R. C. Grier

131 of T. Lap. 1863

Friday - January 29th 1864

N. W. &c for U. S. - 11.35

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Mission San Luis Rey

Map.

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# SUPREME COURT OF THE UNITED STATES.

Mission case

No. ~~316~~. ~~197~~. 131.

THE UNITED STATES, APPELLANTS,

VS.

WILLIAM CAREY JONES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GOVERNMENT PRINTING OFFICE.

16/5-

# SUPREME COURT OF THE UNITED STATES.

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vs.

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## 1 Office of the Board of Commissioners to ascertain and settle the private land claims in the State of California.

Be it remembered, that on this twentieth day of September, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of William Carey Jones, for the place named "ex-mission of San Luis Rey," was presented, and ordered to be filed and docketed with No. 348, and is as follows, to wit:

(Vide page 5 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, *September* 27, 1852.

In case No. 348, William Carey Jones, for the mission of San Luis Rey and Pala, the deposition of Pio Pico, a witness in behalf of the claimant, taken before Commissioner James Wilson, with annexed documents, marked Nos. 1, 2, 3, and 4, was filed.

(Vide page 8 of this transcript.)

San Francisco, *October* 13, 1853.

In the same case, the deposition of John Foster, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed.

(Vide page 14 of this transcript.)

San Francisco, *December* 13, 1853.

2 In the same case, the deposition of S. E. Arguello, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with documents, marked Nos. 1 and 2, A. F. annexed thereto, was filed.

(Vide page 17 of this transcript.)

San Francisco, *December* 30, 1853.

In the same case, the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed.

(Vide page 32 of this transcript.)

In the same case, the deposition of Juan Foster, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, with document marked "A," being a map annexed thereto, was filed.

(Vide page 24 of this transcript.)

San Francisco, *March* 21, 1854.

Case No, 348, on motion of the counsel of claimant, was ordered to be placed at the foot of the first-class cases on the trial docket.

San Francisco, *July* 11, 1854.

In the same case, the counsel for the claimant, Messrs. Howard & Hawes, read the papers in evidence and opened the argument, and continues for to-morrow.

In the same case, the deposition of J. J. Warner, a witness in behalf of the United States, taken before the commissioners sitting as a board, was filed.

3 (Vide page 37 of this transcript.)

San Francisco, *July* 12, 1854.

In the same case, argument by the U. S. law agent resumed and concluded, case submitted, and taken under advisement by the board.

San Francisco, *April* 10, 1855.

In the same case, upon the motion of the counsel for the claimant, it is

Ordered, that the submission of this case, entered on the 12th July, 1854, be set aside, and the case be resubmitted on briefs.

San Francisco, *June* 12, 1855.

In the same case, Commissioner S. B. Farwell delivered the opinion of the board confirming the claim.

(Vide page 95 of this transcript.)

And the following order was made, to wit:

(Vide page 97 of this transcript.)

5 *Petition.*

Before the honorable commission to ascertain and settle private land claims in the State of California:

William Carey Jones gives notice that he claims a tract of land, situated in the present county of San Diego, known by the name of the ex-mission of San Luis Rey, including the tracts of San Antonio de Pala and San Juan, and bounded as follows, to wit: easterly by the sierra or mountain range called the Sierra de Pauma; northerly by the rancho of Santa Margarita; southerly with the rancho of San Francisco; westerly by the sea-beach, as the same is set forth in the inventory thereof.

Said lands were granted in fee to Don Antonio Jose Cot and Don José Antonio Pico, by deed of grant dated the 18th of May, A. D. 1846, by Don Pio Pico, constitutional governor of the department of Californias, duly authorized to make such grant; said grant was for a valuable consideration, to wit, in payment of a large sum of money furnished by said grantees to the exigencies of the then government, and of said grantees undertaking and assuming to pay certain large amounts owing and due in money and property, by the former establishment known as the mission of San Luis Rey, to various individuals.

On the 24th of July, 1846, said Pio Pico, governor as before said, made and delivered to the said grantees an order directed to the administrator or person encharged with the care of said estate, on the part of the government, that he should deliver possession of the same to said grantees as owners thereof, with an inventory of the property so delivered.

That immediately thereafter, said Antonio Pico for himself, and John Foster as agent for said Cot, proceeded to deliver said order, and occupied by actual possession said lands, and on the 9th of
6 August, 1846, said inventory being completed, the same, with all the property and estates therein mentioned, were delivered and *turn* over to said grantees in absolute property.

That said grantee then placed an agent in charge of said lands, and continued in quiet possession of the same until about the 14th day of said August, when their said lands were entered by a military force of the United States, by whom their said agent was expelled, and the place occupied as an act of war.

That they were subsequently prevented from entering into the enjoyment of their said property by a state of war existing in the country, and the frequent occupation of the place as a military post of the United States.

That said lands have been acquired to the present claimants by purchase from said grantees.

A copy of said grant, with a translation of the same, marked "A;" a copy and translation of a receipt for said money advanced as aforesaid by the grantees for the exigencies of the government, marked "B;" a copy and translation of said order of delivery, marked "C;" and a copy of said inventory, marked "D," are herewith filed as exhibits, and prayed to be taken as a part of this notice; and the originals will be produced and proved, as may be required.

The claimant relies on said documentary testimony, and on the testimony of witnesses whom he shall produce in support of said claim.

Said land has not been surveyed by the surveyor general of the United States. The boundaries are natural objects, and are well defined and well known.

It is supposed to contain about the quantity of twelve square leagues, or sitios de ganada mayor, more or less.

7 There is no conflicting claim to any part thereof within the knowledge of the claimant.

By his attorney:

JONES, TOMPKINS, & STRODE.

Filed in office Sept. 20, 1852.

GEO. FISHER, *Sec.*

## *Deposition of Pio Pico.*

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS,
*Los Angeles*, *Sept.* 27, 1852.

On this day, before James Wilson, one of the commissioners for ascertaining and settling private land claims in California, came Pio Pico, a witness produced in behalf of the claimant, Wm. Carey Jones, whose petition is No. 348 on the docket of the board, and was duly sworn; his evidence being given in Spanish, was interpreted by the secretary.

The U. S. law agent was notified, and attended.

Pio Pico, a witness offered by Wm. Carey Jones, esq., the claimant in the above case, being duly sworn, testifies and says: That I have no interest whatever in the claim above. My name is Pio Pico; my age, fifty-one years; my residence in Los Angeles, in California. I am a native Californian, and have lived there all my life. I was a member of the territorial assembly and governor of the Californias, and held a military command of a squadron in Los Angeles.

I was exercising the duties of governor from the latter part of 1844 to the month of September, 1846.

8 In the month of May, 1846, I was actually governor of the department of the Californias, and exercising the official duties of that office by the appointment of the supreme government of Mexico. In May, 1846, José Matias Moreno was acting secretary of the government in California. Upon examination of the paper now shown to me, marked J. W., No. 1. (depo. of Pio Pico,) my signature to said papers my genuine signature. I placed it there as governor, at the time and place where and when the paper purports to be made and dated. It was made for the uses and purposes, and upon the terms and considerations, therein specified.

The money and grain mentioned in said paper was furnished to the government for its uses by the original grantees.

There had not been any priest at the mission San Luis Rey, or at Pala, for some years before the said grant was made. I cannot recollect precisely how long, but I think there had been no priest there since the year 1843. At the time of the grant, I think Juan Maria Marron was there in charge of the mission by appointment of the governor of California.

The said paper has the government stamp upon it. It was customary to make such document on sealed paper; but when there was no sealed paper to be procured, they were made on common paper with the government stamp, and it was of equal validity. I am acquainted with the usage, laws, and customs of the government of California in regard to the granting of lands and the issuing of titles.

The grant of the lands made in this case, and by the deed aforesaid, would have been good and valid under the laws, usages, and customs of California and of Mexico, provided there had been no change of the government of the country.

I now examine a paper shown to me, marked J. W., No. 2, (depo.

Pio Pico.) It has my genuine signature to it; was signed and
9 delivered at the place and time it purports, and for the uses
and purposes therein expressed.

I also examined paper marked J. W. No. 3 (depo. Pio Pico.) I know the signature of Antonio Pico, Juan Foster, and Juan Maria Marron. Their several signatures to the said last mentioned paper are their genuine signatures. Antonio Pico, whose signature appears thereto, is the same individual who is mentioned in the grant; he now resides in San Diego. At the time the grant in this case was made, the general government of Mexico had not furnished any means for the defence of California or to carry on the war. The local government of California had notice from Mexico of the probability of war with the United States, and were instructed to adopt all the means in their power for the defence of the country.

*Questions by R. Greenhow, esq , for George W. Cooley, esq., law agent.*

1st. Was this grant or sale made in virtue of the general colonization law of the 18th of August, 1824, or of the regulations for colonization of the vacant lands of the territories of 1828, or of any other law or regulation of the Mexican government?

Deponent's answer to 1st int. of law agent. The sale was made in virtue of what is expressed in the document itself. The government made the sale by virtue of the authority with which it considered itself clothed from the government of Mexico, and upon the motives and considerations expressed in the document itself.

Interrogatory 2d by same. Was the authority special?

10 Answer. The governor had not received any special au-
thority to make the particular sale in this case; but the gov-
ernor had received special instructions to provide means for the
defence of the country by extraordinary efforts and at every sacrifice.

Int. 3d. Did you consider the approval of the departmental assembly necessary to make this grant valid?

Answer. I did not so consider it.

Int. 4th by same. Did the rancho Pala belong to it; was it within the limits of the mission San Luis Rey?

(Objected to by the claimant as not intelligible to express the English word belong. Witness uses the Spanish word perteneca.

Deponent's answer. It does belong (perteneca) (or appertain) to the mission of San Luis Rey.

Int. 5th by same. Had the mission of San Luis Rey any fixed limits of its lands?

Depo. answer. It had not any fixed limits or definite known or fixed boundaries to its lands.

Int. 6th. How was it known what lands were sold as the mission of San Luis Rey?

The mission had never had their limits established; but all lands
which the missions occupied were considered as belonging to
11 them (pertenecente.) Further, witness states that as the mis-
sions ceased to occupy the lands they were granted to indi-
viduals; that the lands sold or granted in this document No. 1,

were those which had previously been occupied by that mission, which they had at the time of *granted* ceased to occupy, and which had not at the time or previously been granted to individuals.

It was the intention in this grant to convey all the lands (sobrante) which had formerly been occupied by said mission, and which had not previously to the grant in this case been granted to individuals.

Int. 7th. Have you in your possession the original order of document by virtue of which this sale was made.

Answer. I have; and I have no objection to furnish a copy of the same to the secretary of this board to be examined and certified by him and attached to this deposition.

Upon further examination by the claimants, the witness further states, that I believe I gave an order to the grantees named in the said grant on the person in charge of the mission of San Luis Rey to deliver over to said grantees the possession of the lands and property, as also an inventory of the same. It was customary, in many cases, that lands which had been occupied by missions, and which said missions had ceased to occupy, were granted to individuals after the missions had ceased to occupy them.

Where such lands had improvements on them, as horses, &c., the persons who got them by grant were commonly required to pay a small compensation for the improvements according to their value.

12 Int. by R. Greenhow, esq. What is the sense in which you use the word (pertenece) as applied to the lands of the mission?

Answer. I mean to say that the missions claimed to have the right to use that land, or considered themselves to have the right to issue it.

Int. by same. Why was this title drawn up in a form different from that used in the grants of lands, according to the colonization laws and regulations, and without the conditions usually annexed to those grants?

Deponent's answer. I cannot say what were the reasons for altering the forms used in the conveyances; I have before stated the circumstances and motives under which this grant was made.

PIO PICO.

Sept. 27, 1852.
Subscribed and sworn to before me.

JAMES WILSON, *Commissioner.*

Filed in office Sept. 27, 1852.

GEO. FISHER, *Sec'y.*

*Deposition of Juan Foster.*

13 OFFICE OF THE BOARD OF COMMISSIONERS, &c.

This day, before Com'r Thompson Campbell, came John Foster, a witness in behalf of claimants, Wm. Carey Jones, No. 348, who, after being duly sworn, deposed as follows:

1st question. What is your name, age, and place of residence?

Ans. My name is John Foster; I am thirty-eight years of age; the county of Los Angeles is my place of residence.

2d question. How many years have you resided in California?

Ans. I have resided in California twenty years.

3d question. State whether, in the year 1846, you have any knowledge of the delivery of the possession of the ex-mission San Luis Rey and the rancho of Pala to Antonio Jose Cot and Jose Antonio Pico, and by whose order. Please state all you know in relation to the matter.

Ans. I was commissioned by Jose Antonio Cot, and furnished with an order from the government to the former holder of the mission, to deliver the mission into my charge, which was done. I took possession of it for Jose Antonio Pico and Antonio Jose Cot, and afterwards delivered it into the possession of Juan Maria Marron, leaving in his possession for them. The transaction, as above related, took place some time in the year 1846; I don't remember the precise date.

*Questions by Mr. Greenhow.*

1st question. When you took possession of the said mission, did
any writings pass between you and the person from whom you
14 received it? And if so, state the contents.

Ans. There was a full inventory made of all the property of the mission, for which inventory I receipted. Marron was the government agent from whom I received the mission, and the same person I left there as agent for Pico and Cot.

2d question. State, if you know, the circumstances under which Cot and Pico became in possession of the mission.

Ans. I do not know how they came to own the mission, but they received the possession by an order of the government.

3d question. Did Cot or Pico ever reside on the mission of Pala?

Ans. Previous to the time, Pico has resided there. I cannot state precisely the time when; I knew Pico to live at the place. Neither Pico nor Cot have to my knowledge lived at the mission since its delivery to me, as their occupancy was disputed by government; I mean by this, that Col. Frémont expelled Marron from the mission.

4th question. Do you know whether Cot was a Mexican citizen at that time?

Ans. I don't know whether he was or not.

*Re-examined by Judge Hawes.*

1st question. Was Col. Frémont accompanied by a military force when he expelled Marron from the mission, and was it during the war?

Ans. He was accompanied by a volunteer force, and was
15 acting in the capacity of a government officer of the United
States.

JOHN FOSTER.

Sworn to and subscribed before me this 11th day of October, A. D. 1853. THOMPSON CAMPBELL, *Commissioner.*

Filed in office Oct. 13, 1853.

GEO. FISHER, *Sec'y.*

*Deposition of S. E. Arguello.*

OFFICE OF THE BOARD OF U. S. LAND COMMISSIONERS, &c.
*San Francisco, Dec. 13th,* 1853.

This day, before Com'r Alpheus Felch, came S. E. Arguello, a witness in behalf of claimant, William Carey Jones, petition No. 348, and being sworn, his evidence, being in Spanish, was interpreted by the secretary, as follows:

*Questions by Mr. Howard, attorney for the claimants.*

1st question. What *are* your name, age, and place of residence?

Answer. My name is Santiago E. Arguello; my age, forty years; and I reside at San Diego, in California. I have always lived in California.

2d question. Do you know anything about the grant of the mission San Luis Rey; if so, when, and by whom, and to whom was it made?

Answer. I do know; it was granted by Pio Pico, in 1846,
16 in the month of May, to Antonio Cot and Jose Antonio Pico.

3d question. Please state, if you know them, what were the boundaries of the mission lands of San Luis Rey, in May, 1846.

Answer. I knew the boundaries; they were the Sierra de Pauma, the Portezuela de Temecula, the Cañada de Buenavista, and the sea beach.

4th question. Do you know the rancho called Santa Margarita and the rancho de San Francisco; if yea, of what lands were they the boundaries?

Answer. I know those ranchos; they were the boundaries of San Luis Rey.

5th question. What was the length of the mission lands on the sea beach?

Answer. About three leagues; there is a cañada at the commencement, and another at the termination of the land along the sea beach; one is called the cañada de Santa Margarita, where the waters coming from the mountains enter into the sea; the other is the cañada de Buenavista, where also the waters from the mountains run into the sea. In both of these cañadas the waters from the mountains run into the marsh grounds before entering the sea. These objects are generally know and recognised as the boundaries of the land of San Luis Rey.

6th question. Do you know anything of the possession of said land by Antonio Jose Cot and Jose Antonio Pico, under said grant, or their agents?

Answer. I do not know anything in regard to it.

7th question. Do you know anything of the financial condition of the Mexican government in 1846, or of their selling mission lands to raise money?

17 Answer. The financial condition of said government in California was in a state of destitution, and the government was anxious to raise the necessary funds to provide for the exigencies of the war with the United States. With this view, the general government of Mexico authorized the governor of California to provide the means of disposing of such of the national lands and other property, such as missions, as was necessary for the purpose. The departmental assembly of California also passed a decree authorizing the governor to sell such lands and property for that purpose. The departmental assembly was called to hold a session by the governor with that object.

8th question. What have been your opportunities of being acquainted with public affairs during the last ten years in California?

Answer. The intercourse and friendly relation between myself and some of the officers of the government, and the access which I had had to some of the papers for information.

9th question. Look on the paper now presented to you, purporting to be a power of attorney from José Antonio Pico to Antonio José Cot, dated July 20, 1848, marked Exhibit No. 1, with the initials "A. F.," hereunto annexed, and state whether you know the handwriting of said Pico; and if yea, whether the signature on said paper is his true and genuine signature; and also the same in regard to the signatures of Ygnacio del Valle and Agustin Olvera, appearing thereon.

18 Answer. I have looked on said paper. I am acquainted with the handwriting of said Pico, del Valle, and Olvera, having seen each of them write, and I recognise the signatures above mentioned on said paper as their true and genuine signatures.

10th question. Look on the paper now presented to you, marked "Exhibit No. 2," with the initials "A. F.," and made a part of this deposition, purporting to be a deed of sale from José Antonio Pico and José Antonio Cot to William Carey Jones, dated November 27, 1849, and state whether you know the signature of Antonio Jose Cot, and if yea, whether the signature purporting to be his on said paper is his true and genuine signature; and also in whose handwriting is the body of the instrument, and in whose writing is the name of said José Antonio Pico at the bottom of the instrument.

Answer. I have examined said document, and recognise the signature at the bottom of the same to be the genuine signature of said Cot. I have frequently seen him write and sign his name. The body of the document, to the best of my belief, is in the handwriting of said Cot.

*Questions by Mr. Greenhow, associate law agent.*

1st question. What do you mean by mission lands?

Answer. The lands which the missions occupied.

2d question. Were all the lands within the limits described by you in your answer to the third question occupied by the mission of San Luis Rey?

Answer. They were.

3d question. What is the extent of the land included within the limits mentioned by you?

19 Answer. It is about fifteen leagues long, and about four leagues wide in the centre; at the ends it is about two leagues wide.

4th question. Do you know by what power or authority the grant or sale of this mission was made by Governor Pico?

Answer. By the authority which he had from the government of Mexico to make these sales.

5th question. Did you ever see the decree or other document from the Mexican government authorizing such alienation; if yea, can you state any particular as to its date or contents?

Answer. I have seen a copy of it in the possession of my father, who brought it from Los Angeles to San Diego, he being a member of the departmental assembly. I read it, but I do not recollect its date. I do not recollect that it treated about the missions particularly. It appears to me that it was dated in 1845 or the beginning of the year 1846.

6th question. Did you ever see or hear of any decree or order of the supreme government of Mexico, dated in 1845 or the beginning of the year 1846, positively prohibiting the alienation of any of the missions or any of the property attached to them?

Answer. I have never seen such a decree, but I heard of one having come from Mexico after the first above-mentioned one was received, which prohibited the sale or the grant of the missions.

7th question. Do you recollect a decree of the departmental assembly for the sale of certain missions, passed in April, 1846, upon the proposition of Don Juan Bandini?

Answer. I do not recollect of any such decree.

20 8th question. Did you ever know or hear of any payment of money to the government for this mission of San Luis Rey by the alleged grantees, Pico and Cot?

Answer. I have heard that some money was paid to Governor Pico.

9th question. What would have been, according to your recollection, the average value of horses, mule, cattle and sheep at San Luis Rey during the summer of 1846?

Answer. Five dollars a head for cattle, ten dollars for horses, fifteen dollars for mules, and two dollars each for sheep.

(To this question and answer Mr. Howard objects.)

10th question. Are you personally acquainted with Antonio Jose Cot; if yea, do you know of what country he is a native, and whether he has been at any time a Mexican citizens?

Answer. I know him; he is a native of Spain. I do not know whether he ever was a Mexican citizen.

11th question. Do you know in what country Mr. Cot has resided with his family?

Answer. In Lima, and has been living in California several years with his family.

12th question. Was he residing in California with his family at the time this grant was made?

Answer. He was not. It is several years since he took his family to Lima.

*Questions by Mr. Howard.*

1st question. When did you first become acquainted with Mr. Cot?

Answer. In 1836 or 1838. He remained in California about
21 two or three years after I first became acquainted with him,
and then moved to Lima. I never heard that he had any public office in California.

2d question. How long after the grant of this mission was it that you heard of the second order of the supreme government?

Answer. A very short time after the grant. I understood that there was an order here which prohibited the sale of the missions.

*Questions by Mr. Greenhow.*

1st question. Was the sale of this mission of San Luis Rey made at public auction or privately?

Answer. The sales of all the missions were published by handbills posted up. The sale of this mission, I presume, was included in the notice.

2d question. Did you ever hear that this mission was sold at public auction to the highest bidder?

Answer. I understood that the sale was made to the highest, and at public auction.

S. E. ARGUELLO.

Subscribed and sworn to before me this thirteenth day of December, 1853.

ALPHEUS FELCH,
*Commissioner.*

Filed in office December 13. 1853.

GEO. FISHER, *Sec'y.*

*Deposition of Juan Foster.*

22 OFFICE OF THE U. S. BOARD OF COMMISSIONERS, &C., &C.
*San Francisco, December* 30, 1853.

This day, before Commissioner Thompson Campbell, came Juan Foster, a witness in behalf of claimant, William Carey Jones, petition No. 348, and being sworn, deposed as follows:

1st question. What is your name, age, and place of residence?

Answer. My name is Juan Foster; I am thirty-eight years of age; and I reside in the county of Los Angeles.

2d question. How long have you known the mission of San Luis Rey ?

Answer. I have known it about twenty years.

3d question. Do you know of its having been granted to any person; and, if so, when, and to whom?

Answer. It was granted to Antonio José Cot and José Antonio Pico, in the year 1846.

4th question. Do you know whether said parties or either of them took possession of it ?

Answer. I was appointed to take possession of it, in company with José Antonio Pico; I received my appointment from Cot; but, at the same time, I was requested to assist José Antonio Pico.

5th question. Did they or either of them continue in its possession ?

Answer. They continued in possession until they were sent away by Frémont, who was marching through the country at the head of a military force at the time that Pico held personal possession, and Cot held through a man by the name of Juan Maria Marron.

23 6th question. What use did Col. Frémont make of the mission buildings ?

Answer. I don't know; it has since been held by United States troops, and I believe is so occupied at the present.

Were you acquainted with the circumstances of this sale at the time it was made ?

I was not; I first heard of the sale when I was requested to take possession of the place.

Do you know whether the sale was at public auction or private ?

I am not aware of how it was made.

How long have you been acquainted with Antonio José Cot ?

I have known him some eighteen or twenty years.

Of what country is he a native ?

He is a native of Spain ?

Did you ever hear of him being naturalized as a Mexican citizen ?

I never did hear that he was.

What was the value of mules, horses, cows, and sheep, at the time you assisted in taking possession of the mission San Luis Rey ?

Mules would average about thirty dollars; horses about twenty dollars; and horned cattle about twelve dollars; and sheep about two dollars and a half.

24 Was the other movable property of the mission, at the time you took possession of it, [of] much value ?

It was not considered of much value.

Was the property, in stock and other movables, which you found in the mission and ranchos, still there when Frémont took possession of the mission ?

Yes, it was all there.

*Re-examined by Mr. Howard.*

Where did Cot reside when you knew him ?

He resided more permanently at Los Angeles than any other place. Pico was a native Californian.

To what extent did the army of the United States use the mission lands for the purpose of pasturing horses and cattle?

They had beef cattle for the use of the troops on the lands occasionally, a few milch cows, and some seasons of the year as many as two hundred head of horses and mules.

*Second question by Mr. Greenhow.*

What was the average value per head of stock of the different kinds at San Luis Rey in the summer of 1846?

Answer. Common saddle horses were worth about twenty dollars; work mules, from eighteen to twenty-five dollars; and broke mares and colts, from eight to ten dollars each; horned cattle, from twelve to fourteen dollars; and sheep, about $1 50 to two dollars.

3d question. Was not the government engaged in pur-
25 chasing horses and mules for the use of the troops?

I know that they were procuring horses and mules at Los Angeles to fit out a military expedition for the North, but do not know on what terms, or how?

*Question by Mr. Howard.*

1st question. Please state the practice of conducting public sales under the Mexican system of real and personal property.

Ans. As far as my knowledge extends, advertisements were circulated stating terms, conditions, and description of property. When it was real estate, inviting bids or offers up to some notified day, on which day the bids or offers were opened, and those having the jurisdiction, after examination, declared who was the purchaser. Personal property was generally sold in the manner which we term public auction in the English language.

*Mr. Greenhow.*

1st question. Did you ever know of any sale of real property by the Mexican government in California before these sales of San Juan?

Ans. I am not aware that any attempt has ever been made to occupy them by any one.

When did you first hear of the sale of this mission to Pico and Cot?

On my arrival in Los Angeles from my rancho, Col. Frémont having then been in San Diego some five or six days in the summer or fall of the year 1846, was the first information I had of the sale.

Did you hear what the particulars of the sale were?

26 I knew that the mission had been advertised for sale, having
visited Los Angeles with a view of purchasing myself. This was before any American forces had arrived in California. Of the particulars of this sale, I know nothing.

How long have you been acquainted with Antonio Jose Cot?

I have known him since the year 1835.

Have you ever heard of him being naturalized as a Mexican citizen?

Ans. I never heard that he was naturalized.

4th question. Have you ever known or considered him as established as a resident *vecino* of California?

Answer. To the question I say, yes; for I know him to be a *vecino* of California for the last four or five years. He was occasionally in California as an importing merchant, from my first acquaintance, for about two years, when he went to South America, from which place he returned to California sometime about 1844, to take charge of and close up the commercial business which he himself and the agent, Don Miguel Pedroreno, had previously transacted in California. He was also, on his return, the agent or attorney of the heirs of Juan B. Leaudry, in consequence of which, for the management of a large property belonging to said heirs, he *resided* in Los Angeles, where he also transacted some commercial business and kept a shop, from which time he has resided generally at Los Angeles.

### *Question by Mr. Howard.*

7th question. What year and month did you and Pico take possession of said mission?

27 Ans. It was in the year 1846; I don't recollect the precise month. I assisted at that time in making an inventory which which will show the date now positively.

8th question. Can you state what were the boundaries of the mission lands in the year 1846?

Ans. They were bounded on the north by the rancho of Pio Pico, called Santa Margarita; on the south by the rancho of Juan Maria Marron, called Agua Hederonda, and is also known by the name of San Francisco; on the west by the seacoast: on the east by the mountain of Pauma, or the rancho known by the same name, which is at the foot of the mountain. The rancho Santa Margarita don't run the full extent of the northern boundary. To the eastward of Santa Margarita there is another rancho, which serves as a part of the northern boundary claimed by Ysideo Alvarado.

9th question. Will you examine the annexed map, marked "A," and say what tract of land the dotted lines on said map represents?

Ans. I think the map shown me, and marked "A," contains a very correct description of said tract, as delineated within the dotted lines which appear on the face of the map.

10th question. Can you state how far the mission buildings are from the seashore?

Ans. They are about two miles and a half.

11th question. What is the extent of the rancho Santa Margarita on the side next the mission lands?

Ans. I assisted in the measurement, and I think the distance is about seven miles.

28 12th question. How much land did you ever see in cultivation about the mission at any one time?

I can't state the precise quantity, but it was considered to be very extensively cultivated, under the direction of the priests of the mission. There was no cultivation in 1846, except to gardens which had been neglected; and the mission buildings were also falling into ruins. In 1846 said mission was held by a steward or mayordomo appointed by the Mexican government.

Did the steward, of whom you have spoken, deliver you and Pico possession in the name of the Mexican government?

He did, by an order from the government to that effect.

*Question by law agent.*

Was the occupation of California by the forces of the United States known by yourself and Pico at the time when you received the possession of said mission?

I had known that a part of California, that is Monterey, was in possession of the United States troops at that time.

Was Los Angeles in the possession of the troops at that time?

I think not; but I don't know.

JUAN FOSTER.

Sworn to and subscribed before me this 30th day of December, A. D. 1853.

THOMPSON CAMPBELL, *Com'r.*

Filed in office Dec. 30, 1853.

GEO. FISHER, *Sec'y.*

*Deposition of J. J. Warner.*

29 OFFICE OF THE U. S. BOARD OF LAND COMMISSIONERS, &C., &C.,
*San Francisco, Dec. 31st,* 1853.

This day, before Commissioner Thompson Campbell, came J. J. Warner, a witness in behalf of claimant, William Carey Jones, petition No. 348, and being duly sworn, deposed as follows:

1st question. What is your name, age, and place of residence?

Answer. My name is J. J. Warner; I am forty-six years of age, and I reside in San Diego.

2d question. Who drew the map marked "A," now shown you, and what land does it represent?

Answer. I drew the *land*, and it represents the tract of land enclosed within the double dotted lines which, in 1846, I considered as appertaining to the mission of San Luis Rey.

3d question. Will you please describe the boundaries of said tract?

Answer. It is bounded on the west by the ocean; on the north by the rancho of Santa Margarita and Temecula; on the east by the rancho of Pauma, belonging to Serrano and others; on the south by the rancho of San Francisco, which was granted to Juan Maria Marron, and the rancho of Santa Marcos, or public lands; these are the

Have you ever heard of him being naturalized as a Mexican citizen?

Ans. I never heard that he was naturalized.

4th question. Have you ever known or considered him as established as a resident *vecino* of California?

Answer. To the question I say, yes; for I know him to be a *vecino* of California for the last four or five years. He was occasionally in California as an importing merchant, from my first acquaintance, for about two years, when he went to South America, from which place he returned to California sometime about 1844, to take charge of and close up the commercial business which he himself and the agent, Don Miguel Pedroreno, had previously transacted in California. He was also, on his return, the agent or attorney of the heirs of Juan B. Leaudry, in consequence of which, for the management of a large property belonging to said heirs, he *resided* in Los Angeles, where he also transacted some commercial business and kept a shop, from which time he has resided generally at Los Angeles.

*Question by Mr. Howard.*

7th question. What year and month did you and Pico take possession of said mission?

27 Ans. It was in the year 1846; I don't recollect the precise month. I assisted at that time in making an inventory which which will show the date now positively.

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Ans. They were bounded on the north by the rancho of Pio Pico, called Santa Margarita; on the south by the rancho of Juan Maria Marron, called Agua Hederonda, and is also known by the name of San Francisco; on the west by the seacoast; on the east by the mountain of Pauma, or the rancho known by the same name, which is at the foot of the mountain. The rancho Santa Margarita don't run the full extent of the northern boundary. To the eastward of Santa Margarita there is another rancho, which serves as a part of the northern boundary claimed by Ysideo Alvarado.

9th question. Will you examine the annexed map, marked "A," and say what tract of land the dotted lines on said map represents?

Ans. I think the map shown me, and marked "A," contains a very correct description of said tract, as delineated within the dotted lines which appear on the face of the map.

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Ans. I assisted in the measurement, and I think the distance is about seven miles.

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Did the steward, of whom you have spoken, deliver you and Pico possession in the name of the Mexican government?

He did, by an order from the government to that effect.

*Question by law agent.*

Was the occupation of California by the forces of the United States known by yourself and Pico at the time when you received the possession of said mission?

I had known that a part of California, that is Monterey, was in possession of the United States troops at that time.

Was Los Angeles in the possession of the troops at that time?

I think not; but I don't know.

JUAN FOSTER.

Sworn to and subscribed before me this 30th day of December, A. D. 1853.

THOMPSON CAMPBELL, *Com'r.*

Filed in office Dec. 30, 1853.

GEO. FISHER, *Sec'y.*

*Deposition of J. J. Warner.*

29 OFFICE OF THE U. S. BOARD OF LAND COMMISSIONERS, &c., &c.,
*San Francisco, Dec. 31st,* 1853.

This day, before Commissioner Thompson Campbell, came J. J. Warner, a witness in behalf of claimant, William Carey Jones, petition No. 348, and being duly sworn, deposed as follows:

1st question. What is your name, age, and place of residence?

Answer. My name is J. J. Warner; I am forty-six years of age, and I reside in San Diego.

2d question. Who drew the map marked "A," now shown you, and what land does it represent?

Answer. I drew the *land*, and it represents the tract of land enclosed within the double dotted lines which, in 1846, I considered as appertaining to the mission of San Luis Rey.

3d question. Will you please describe the boundaries of said tract?

Answer. It is bounded on the west by the ocean; on the north by the rancho of Santa Margarita and Temecula; on the east by the rancho of Pauma, belonging to Serrano and others; on the south by the rancho of San Francisco, which was granted to Juan Maria Marron, and the rancho of Santa Marcos, or public lands; these are the exterior lines, embracing some tracts believed to have been previously granted by the government to individuals.

4th question. Can you state the boundaries of Pala rancho?

30 Answer. It is bounded on the east by the rancho of Pauma; on the north by Temecula; on the west by the rancho of Ysideo Alvarado, called Monte Serrate; on the south by San Marcos, or ungranted lands, being a high mountain ridge, on the south of and immediate vicinity of the ranch known as San Luis Rey.

5th question. About how much land is there within your boundaries you have described?

Answer. I should think about three leagues.

6th question. In what manner did the mission authorities occupy and use the rancho called Pala?

Answer. They had a large house upon it, vineyard, and orchard, and cultivated small grain, such as corn, wheat, and beans; they had on this cultivation from three to five hundred acres.

7th question. Will you state how long the mission has been occupied by the United States with military force?

Answer. Generally since the close of 1846, or the beginning of 1847, it has been occupied by the United States forces.

8th question. Has it been so occupied by the United States troops, to the exclusion of the grantees under the Mexican government?

31 Answer. To the best of my knowledge it has been so occupied; they, I think, have been excluded.

9th question. How long have you been acquainted with the mission of San Luis Rey?

Answer. I have had a general knowledge of it since October, 1831; a particular and intimate knowledge since February, 1836. It is situated in the county of San Diego.

*Questions by Mr. Greenhow.*

1st question. Have the forces of the United States occupied any part of the land, or buildings, of this mission, except the mission buildings of the mission proper, and immediate appurtenances, so as to exclude other persons from their occupation?

Answer. They have occupied the mission buildings proper, gardens, and vineyards in the immediate vicinity; and I have understood that they have prevented in all instances persons from occupying any of the lands lying between the ocean and a place on the east of the mission building known as Huayama, inclusive, distant nearly three miles from the mission. They have never, to my knowledge, occupied by military force either Pala or the rancho of the missions, in 1845 and 1846. The first sale of such property, to my knowledge, was at the time in which the mission of San Juan Capistrano, and some others, I believe, were sold, which I believe was in 1845.

J. J. WARNER.

32 Sworn to and subscribed before me this 30th day of December, A. D. 1853.

THOMPSON CAMPBELL, *Com'r.*

1481

Filed in office Dec. 30th, 1853.

**GEO. FISHER**, *Sec'y.*

33 *Deposition of J. J. Warner.*

348 SAN FRANCISCO, *July* 11, 1854.

This day personally appeared before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board, J. J. Warner, a witness on behalf of the United States, duly summoned at the instance of the U. S. law agent, in case No. 348, wherein Wm. Carey Jones is the claimant for the ex-mission of San Luis Key, who, after being duly sworn, deposeth and saith as follows, to wit:

*Questions by the U. S. law agent.*

1st question. Look at the map now shown you, and annexed to the deposition of Juan Foster, in case No. 348, Wm. Cary Jones, claimant for the ex-mission of San Luis Rey, marked with "A," and state who made the same, and all you known about it.

Answer. I made it; the distance from the northern to the southern line, along the seacoast, I obtained from Santiago E. Arguello, having but little knowledge myself of the lines of the rancho of San Francisco and Santa Margarita, at those particular points; I think the mission was calculated at two and a half leagues; all of the other lines of the said plan were drawn on a scale, according to the best of my knowledge of the distances from one point to another, to correspond with the distance on the first above mentioned, or seacoast line; I never made any computation of the quantity, but should suppose it contained within the double dotted lines somewhere about thirty leagues.

Question 2d. What is the distance from the ocean coast to
34 the mission building of the mission of San Luis Rey?

Answer. I should think about six or seven miles, but may err in my opinion considerably, as I never was across the country from the mission to the ocean but once or twice.

3d question. Were you acquainted with the value of personal property in California, in the year of 1846? if yea, look at document marked J. W., No. 3, annexed to the deposition of Pio Pico, and state the price of each article therein stated, as it was in August of the same year.

(The counsel for the claimants object to the forgoing question.)

Answer. I have looked at the document above described, and find many articles therein embraced, of which I have no idea of their value at that time; but in the annexed inventory will be found the value of all the articles therein embraced of which I had any knowledge of their value; the said inventory is marked D, being a copy.

*Cross-examined by claimant's counsel.*

Question 1st. How much land was within the exterior dotted lines on the above described map as mission lands, ungranted in May, 1846?

Answer. I am unable to say at what time any of the tract embraced within the lines referred to were granted, but think there must have been some twelve or fifteen leagues of land embraced within
35 these lands ungranted at that date.

*Inventario de las existencias en la ex-mission de San Luis Rey entragados á los contratantes Don Antonio Cot and Don Jose Antonio Pico, ha saber:*

Ynterior de la casa:

| | | |
|---|---|---|
| 12 00— | $120 00. | 30 pipas de vino que se componen de 10 barriles. |
| 1 00— | 2 00. | 30 demijuanes basias. |
| 5 00— | 25 00. | 5 pipas basias. |
| 1 50— | 1 50. | 3 embudas. |
| 2 50— | 5 00. | 30 barriles basias. |
| | | 1 Taleta. |
| | | 1 bomba de agre. |
| | 2 00. | 1 gallon de cabre. |
| | 25. | 1 media quartilla de ap de lati. |

Almacen:

| | |
|---|---|
| 2 50. | 1 par de balances con sus pesas. |
| 2 50. | 2 cuchillas de Mantanzas, *a* 25 c.—50 c.; 4 albertantes, *a* 50 c.—$2. |
| 3 50. | 3 podaderos, *a* 50 c.—$1 50; 4 maldas pr. hacer velas, *a* 50 c.—$2 00. |
| 7 50. | 1 fresada, $6, y 1 mantel, $1 50; 1 papelara, $5. |
| 12 00. | 11 cameras de cobre, *a* $1—$11; 2 llaves del-ronce de barril, *a* 50 c.—$1. |
| 4 50. | 9 pares de Tejeras de trasquilas. |
| | 1 cajon con cala; 1 amario con medicinas inutiles. |
| 1 00. | 1 capita con balancitas y pesas. |
| | 3 botas de aso de lata; 1 barrena grande. |
| 13 00. | 5 fierros de herrar; 1 achita. |

Sala:

| | | |
|---|---|---|
| | 20 00. | 1 Mesa grande, $10; 2 bancos, *a* $2 50—$5; 3 id del corridor, $1 66—$5. |
| 36 | 41 00. | 1 comape, $15; 11 sillas paltroras, *a* $3—$33; 4 Estampas ensurso Lianso, *a* $1—$4. |

| | |
|---|---|
| 17 00. | 1 Reloj mutil; 10 sillas de sentarse, *a* $1 50—$15; 1 Espijo, $2.<br>1 imagen de Culto; 1 Cristo do. |
| 280 25 | |

Comeda:

| | |
|---|---|
| 3 mesas, *a* $5—$15; 3 mantillas, *a* $2—$6; 1 campeta de balletas, $5 | $26 00 |
| 2 bancos, *a* $2 50—$5; 1 platon, $4 50; 7 platos, *a* 25 c.—$1 75; 2 tasas grandes, *a* $2—$4.. | 12 25 |
| 4 id con platitas decha, *a* 37½ c.—$1 50; 2 dulceras, *a* 75 c.—$1 50; 2 saleras, *a* 25 c.—50 c. | 3 50 |
| 1 botella de cristal, $2 50; 1 Frasco, 25 c.; 9 cucheras, *a* 25 c.—$2 25; 30 trachedenas, *a* 25 c.—$7 50. | 12 50 |
| 1 cucharon, $1 50; 6 candeleras, *a* 25 c.—$1 50; 1 bandega de cobre, $2 50 | 5 00 |
| 1 tirija de cabre. | 5 00 |

Cuartas del Ynterior:

| | |
|---|---|
| 11 cartras, *a* $2—$22; 7 calchorias, *a* $4—$28; 4 almadas con sus fundas, *a* $1 50—$6 | 56 00 |
| 6 sabanas, *a* 75 c.—$4 50; 2 sabre camas, *a* $2—$4; 1 Santo Cristo de plata | 8 50 |
| 1 campe, $4; 1 banca, $2; 2 mesas, *a* $5—$10 | 16 00 |

Dispensa:

| | |
|---|---|
| Una pipa con algun vinagre, $5 | 5 00 |
| 1 cason para guardar arina, $3; 1 balanca con pesas, $2 50; 1 mesa, $3 | 8 00 |
| 7 basisas para acerte, *a* 50 c.—$3 50; 2 medidas almode 2 id, $2. | 5 50 |

Almasmita:

| | |
|---|---|
| 1 clavos, $2 50; 1 molino para disgranar mais, $20 | 22 50 |
| 1 bomba de ojo delata, $2 50; 6 asidores de medio servicio, *a* 75 c.—$4 50 | 7 00 |
| 3 barras de fierro, *a* $5 | 15 00 |

Trasa:

| | |
|---|---|
| Medidas para grano, $3 | 3 00 |
| 100 fanegas de trigo poco mas o menos en el Rancho de Pala | 200 00 |

Telar:

| | |
|---|---|
| 5 lelares, $10 50; 9 formas, *a* $3—$27; 1 urdida, $5; 1 debanador, $2 | 84 00 |
| 37 1 Romana, $2; 7 pares de cardas, $7. | 9 00 |

Cuarto del Asute:

| | |
|---|---|
| 2 preusas, *a* $50—$100; 1 malino de aserturas, $50; 2 casos de cobre, *a* $10—$20 | 170 00 |
| 2 sombreras de alembique inutiles, unos barcas para labrar cañimo | |

Fragua:

| | |
|---|---|
| 1 Femy, $10; 1 Fermillo, $15; 2 Gomquez, *a* $10—$20; 2 masas, *a* $3—$6 | 51 00 |
| 1 latadu inutil; 2 claveras, algunos fierras de herreria. | |

Cosina:

| | |
|---|---|
| 26 50. | 2 matali, *a* $5—$14; 1 comal, $2; 1 barril, $2 50; 1 ocha, $2; 1 caso de cobre, $10. |

Cuarto del Molino:

| | |
|---|---|
| 54 00. | 7 metales, *a* $5—$35; 1 molino de rastras, $15; 2 cueras, $2; 3 terios de cueras, $2. |
| 14 00. | 1 molino inutil; 4 llugas aperadors, *a* $2—$8; 4 cuartas, *a* $1 50—$6. |

Panaderia:

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|---|---|
| 15 00. | 1 artera, $2; 1 catre, $2; 1 pala, $1; 1 caso de cobre inutil, $5; 1 metali, $5. |

Yapateria:

| | |
|---|---|
| 12 50. | 1 mesa, $5; 2 cajones, *a* $1—$2; 4 ormas, 50 c.; Fierros de picar sillos, $5. |
| 11 75. | 1 campas, 50 c.; 1 descamedor, $1; alisnas, 25 c.; 2 tables, *a* 2--$4; 2 bancas pa. picar, *a* $3—$6. |

Jato:

| | |
|---|---|
| 100 00. | Cartales, 10 aparejos, at $10—$100. |

Carpenteria:

| | |
|---|---|
| 2 50. | Una silla, $1 50; 1 Serruche inutil; 1 quadra de fierro, $1. |
| 4 50. | 1 quadra de id, $1; 5 sepillas inutiles, 2 escoplas, *a* $1—$3; 1 martillo, 1 50. |
| 29 50. | 1 gungue, $5; 1 mallejin, $10; 2 achas, *a* $1 50—$3; 1 banco, $10; 2 fierros de tonbena, *a* 75 c.—$1 50. |

38 Jaboneria:

| | |
|---|---|
| 68 50. | 3 casos, *a* $20—$60; una misa, $2 50; 1 picturia, $1; 1 cama, $5. |

En el Rancho de Palo:

| | |
|---|---|
| 295 00. | 1 alambique de Rosea, $200; 1 id corriente, $75; 1 id inutil, $20. |
| 31 00. | 6 pipas utiles, *a* $5—$30, y 2 inutiles, $1; 6 asidones inutiles. |
| 45 00. | 1 yonque toneleria, $2; 3 barras, *a* $5—15, y 14 barritones de fierro, *a* $2—$28. |
| 31 00. | 1 tilares, $10; 2 mesas, *a* $3—6; 1 banca, $5; 2 catres, *a* $2—$4; 2 sillas poltrones, *a* $3—$6. |
| 10 00. | 1 barril vieja, 1 caso de cobre inutil, $5; 1 id chico util, $5. |
| 10 00. | 5 arrabas con puntas. |

Bienes Semovientes. En el Rancho de San Juan y de Palo:

| | |
|---|---|
| 1,585 00. | 32 yuntas de Bueyes, *a* $20—$640; 105 cabezas de Ganado Mayor, *a* $9—$945. |
| 1,556 00. | 185 cabezas de Caballado Bronca, *a* $4—$740; 28 id Mansos, *a* $12—$336; 24 mulas, *a* $20—480. |
| 1,457 50. | 691 burregas chico y grande, *a* $150—$1,036 50; 88 cabras, *a* 75 c.—$66; 71 cabezas de burrada, *a* $5—$355. |

Vinas Huertas y labor:

1 una viña en la mision que se compone de 8,500 paras inutiles; 60 arboles de asitunos y algunos arboles frutales casi inutiles.

1 una huerta llamado del chorro con 60 arboles frutales medio utiles.

1 una huerta y viña en pala aun se compone de 7,500 paras, 60 arboles de asitunas, 60 id de paras, 20 id de manzanas.

1 una sumbra de 4 ahus. de maize en mal estado.

Fabrias:

1 La fabrica principal de la Ex-Mission.
39 1 La casa que existe en el Rancho de Palo.
1 La casa y corral del Rancho de San Juan.

Terrenos:

Se componen del que hay colindante con la Sierra de Pauma por el Este al Norte, con Santa Margarita el sur con el rancho de San Francisco y la playa por al veste.

San Luis Rey, 9 *de Agosto de* 1846.

Seha recibido conforme este inventario.

ANTO. PICO,
*Como comisionado de Don Antonia Cot.*

| | | |
|---|---|---|
| Amount on first page—Juan Foster .... | $280 25 | |
| " second " .... | 724 75 | Juan Maria Marron. |
| " third .... | 5,359 25 | |
| | 6,364 25 | |

Cuarto del Asute:

| | |
|---|---|
| 2 preusas, *a* $50—$100; 1 malino de aserturas, $50; 2 casos de cobre, *a* $10—$20 | 170 00 |
| 2 sombreras de alembique inutiles, unos barcas para labrar cañimo | |

Fragua:

| | |
|---|---|
| 1 Femy, $10; 1 Fermillo, $15; 2 Gomquez, *a* $10—$20; 2 masas, *a* $3—$6 | 51 00 |
| 1 latadu inutil; 2 claveras, algunos fierras de herreria. | |

Cosina:

| | |
|---|---|
| 26 50. | 2 matali, *a* $5—$14; 1 comal, $2; 1 barril, $2 50; 1 ocha, $2; 1 caso de cobre, $10. |

Cuarto del Molino:

| | |
|---|---|
| 54 00. | 7 metales, *a* $5—$35; 1 molino de rastras, $15; 2 cueras, $2; 3 terios de cueras, $2. |
| 14 00. | 1 molino inutil; 4 llugas aperadors, *a* $2—$8; 4 cuartas, *a* $1 50—$6. |

Panaderia:

| | |
|---|---|
| 15 00. | 1 artera, $2; 1 catre, $2; 1 pala, $1; 1 caso de cobre inutil, $5; 1 metali, $5. |

Yapateria:

| | |
|---|---|
| 12 50. | 1 mesa, $5; 2 cajones, *a* $1—$2; 4 ormas, 50 c.; Fierros de picar sillos, $5. |
| 11 75. | 1 campas, 50 c.; 1 descamedor, $1; alisnas, 25 c.; 2 tables, *a* 2—$4; 2 bancas pa. picar, *a* $3—$6. |

Jato:

| | |
|---|---|
| 100 00. | Cartales, 10 aparejos, at $10—$100. |

Carpenteria:

| | |
|---|---|
| 2 50. | Una silla, $1 50; 1 Serruche inutil; 1 quadra de fierro, $1. |
| 4 50. | 1 quadra de id, $1; 5 sepillas inutiles, 2 escoplas, *a* $1—$3; 1 martillo, 1 50. |
| 29 50. | 1 gungue, $5; 1 mallejin, $10; 2 achas, *a* $1 50—$3; 1 banco, $10; 2 fierros de tonbena, *a* 75 c.—$1 50. |

38 Jaboneria:

| | |
|---|---|
| 68 50. | 3 casos, *a* $20—$60; una misa, $2 50; 1 picturia, $1; 1 cama, $5. |

En el Rancho de Palo:

| | |
|---|---|
| 295 00. | 1 alambique de Rosea, $200; 1 id corriente, $75; 1 id inutil, $20. |
| 31 00. | 6 pipas utiles, *a* $5—$30, y 2 inutiles, $1; 6 asidones inutiles. |
| 45 00. | 1 yonque toneleria, $2; 3 barras, *a* $5—15, y 14 barritones de fierro, *a* $2—$28. |
| 31 00. | 1 tilares, $10; 2 mesas, *a* $3—6; 1 banca, $5; 2 catres, *a* $2—$4; 2 sillas poltrones, *a* $3—$6. |
| 10 00. | 1 barril vieja, 1 caso de cobre inutil, $5; 1 id chico util, $5. |
| 10 00. | 5 arrabas con puntas. |

Bienes Semovientes. En el Rancho de San Juan y de Palo:

| | |
|---|---|
| 1,585 00. | 32 yuntas de Bueyes, *a* $20—$640; 105 cabezas de Ganado Mayor, *a* $9—$945. |
| 1,556 00. | 185 cabezas de Caballado Bronca, *a* $4—$740; 28 id Mansos, *a* $12—$336; 24 mulas, *a* $20—480. |
| 1,457 50. | 691 burregas chico y grande, *a* $150—$1,036 50; 88 cabras, *a* 75 c.—$66; 71 cabezas de burrada, *a* $5—$355. |

Vinas Huertas y labor:

1 una viña en la mision que se compone de 8,500 paras inutiles; 60 arboles de asitunos y algunos arboles frutales casi inutiles.
1 una huerta llamado del chorro con 60 arboles frutales medio utiles.
1 una huerta y viña en pala aun se compone de 7,500 paras, 60 arboles de asitunas, 60 id de paras, 20 id de manzanas.
1 una sumbra de 4 ahus. de maize en mal estado.

Fabrias:

1 La fabrica principal de la Ex-Mission.
39 1 La casa que existe en el Rancho de Palo.
1 La casa y corral del Rancho de San Juan.

Terrenos:

Se componen del que hay colindante con la Sierra de Pauma por el Este al Norte, con Santa Margarita el sur con el rancho de San Francisco y la playa por al veste.

San Luis Rey, 9 *de Agosto de* 1846.

Seha recibido conforme este inventario.

ANTO. PICO,
*Como comisionado de Don Antonia Cot.*

| | | | |
|---|---|---|---|
| Amount on first page—Juan Foster | .... | $280 25 | |
| " second " | .... | 724 75 | Juan Maria Marron. |
| " third | .... | 5,359 25 | |
| | | 6,364 25 | |

The sum total of value of the articles, to which I have proved a valuation, amount to six thousand three hundred and sixty-four dollars twenty-five cents.

It will be observed, that on the first page there are five lines embracing ten items; and in the second page, eighth line, one item; and the first, third. and fourth lines from the foot of the same page, and the items on the fourth page, are left without any value being affixed thereto. Some of the articles are unintelligible, while the value of others have never. since the original was inventoried at thirty prices, been separated from the cost of the material of which they were made and the quantity employed in the type. The fourth page I do not understand as embraced in the question. Much latitude should be given to the value I have attached to the movable household property, as the inventory does not define the state of the property enumerated; but the value placed before each article,
40 from my knowledge of property of the classes specified,
as well as from a personal knowledge of many of the very items expressed in such as I believe to be an approximation to their actual cash value at that time.

J. J. WARNER.

*Examination by the U. S. law agent resumed.*

1st cross-int. How much land within the boundaries you marked out on the said map was granted to other parties prior to May, 1846?

Answer. I am unable to say. The rancho of Pauma, the rancho of Monseratte, Buena Vista, and Guagoma are the only tracts granted previous to that date, to the best of my knowledge.

J. J. WARNER.

Sworn and subscribed to before the commissioners sitting as a board the 11th day of July, A. D. 1854.

Attest: GEO. FISHER, *Sec'y.*

Filed in office July 11, 1854.

(Signed) GEO. FISHER, *Sec'y.*

42 *Decree for the sale of the missions.*

Secion extraorda. del dia 20 de Agosto Leida y aprovada la acta anterior del dia 15 del corriente se dio cuenta con una nota oficial del Superior Gobierno Departamental relativo à que habiendo formado regimentos de ausiliares defencores de la patria à causa de las probabilidades de guerra que hoy entre nuestra nacion y la de los Estados Unidos seria conveniente que la Exma. Asamblea en usos de sus facultades proporcione arbitrios pa. sostener estas tropas ausiliares tomando en consideracion la Escasez del Erario nacional y tomada en consideracion se nombro una comision especial pa. que habra dictamen sobre el particular compuesta de las Sros. Spence, Pico y Botello.

Secion Estraorda. del dia 24 de Agosto.

En seguida se dio lectura al dictamen de la Comision de Hacienda y Guerra nombrada pa. indicar los recursos qe. dan facilitarse al Gobierno pa. gastos de la guerra que amenase al pais pr. una nacion estrangera en cuyo dictamen se contienen cinco articulos relativos à las Misiones de la Alta California como unicas recursos de qe. se puede hacer uso de las actuales circunstancias y tomado en consideracion, se pusieron à descusion de uno en uno los espresados cinco articulos y pl. su orden fueron aprobados pl. unanimidad absoluta; actuandose se hoya constar Original el Referido dictamen en el libro de actas de los presentes seciones librandose copia de el. al Gobno. Supor. del Departamto. pa. su conocimiento, dandole su publicacion cuando lo crea convemte. con el fin de impedir der fulfanos en aquellos intereses.

43 En seguida se procedio al nombramiento del secrete. proprietario de la E Asamblea Departamental indicado en la acta interor y verificado por escritura secreto mediante sedulas, resulto electo pa. magoria absoluta de votas el Sor. Dn. Jose Ma. Covarrubias, acordanse se la comunique su nombramiento pr. el Sor. Presidte. que el lunes 26 del corriente à las cuatro de la tarde se tenza la ultima secion, con lo que se levanto la secion, Entre Reaglones — dha. de — Vale — tastrado — Relativo à qe. no vale.

MICHELTO.

Narcisso Botello, Vocal Seño. Reunida à secion extraorda. la Exma. Asamblea Departamental el 26 de Agosto leida y aprovado la acta Anto. acordo el decreto que sigue.

La Asamblea Departamental del Departamento de la Alta California y convocada à seciones extraordno. por el Gobierno del mismo con objeto de proporciona recursos pa. la guerra probable que amercio pr. extraordinaria Maritimo y terrestre el Supremo Gobierno Nacional habiendo llenado el objecto pa. que fue convocadas ha tenido à bien decretar lo siguiente.

Quedem sonadas los seciones extraordins. de la Exma. Asamblea Departamental de California hoy 26 de Agosto de 1844. El Gobierno del Departamento la tendra entendido haciendolo imprimir y publicar pa. cuyo fin se le pasara por la secreta copia de este decreto.

MANL. MICHELTA.

NARCISSO BOTELLO.
*Vocal Secreto.*

GOBNO. DE POLITICO CALIFORNIA.

44 EXMO. SOR: A la comision de Hacienda y Guerra.

NARCISSO BOTELLO, *Srio. Into.*

EX'MA S'OR: Luego recibi la suprema orden de once de Mayo, del corr' te año en la que se me communica la probabilidad de gñra, entre nuestro nacion y las de los E. U. maude formas regimentos de ansileares defensores de la patria y como puede llegar al caso que estos se pongan sobre las armas seria conveniente que V. E. en uso de sus fucultades establesca arbitrios con que sostenerlos pues no hoy con que contar con los fondos del Erario por lo esauste en que siempre se encuentra.

Protestó à V. E. mi distinguida consideracion.

Dios y libertad. Agosto 20 de 1844.

MAN'L MICHELT'A.

*Decree continued.*

EX'MA ASAMBLEA DEPARTAMENTAL.

*Ex' ma Asamblea:*

La comision especial nombrada para dictaminar con respecto à los arbitrios qe. se espresen en la superior nota del Gobierno Departamental fha. 20 del corriente para el sostenimiento de las fuerzas ausiliares formadas pr. el mismo à consecuencia de las probabilidades que hoy de guerra entre nuestra nacion y la de los Estados Unidos del Norte Espone que ha meditado con la Mayor atencion y esmero sobre esto particular y que à pesar de sus continuos reflecciones en briscar los medios de establecer dhos. arbitrios no los encuentra. Mas considerando las critices circumstancias en que se encuentre el pais amenesado à perder nada menos que sus derechos y libertad, teniendose presente la suma excuses del erario nacional y la necesidad de buscar, medios para su seguridad y defenza los que la comision
45 encuentra, unicos y sejuros pd. proporcionar recursos al Gobierno para este objeto sou las misiones tanto por que caminaro á sor total destruccion, las qe. eccisten ami inmidiam'to paradas cuanto pl. qe. deben considerarse communas propiedades de la nacion. Gratificando de ellas mismas competentemente à sus respectivos neophitos pl. el otro que les asiste pone à la deliveracion de V. E. los articulos siguientes.

1o. Podra el Gobierno Superior del Departamento poner en Venta, hipotecar ó arrendar los faicas. Raices y terrenos de labor, de los misiones de la Alta California comprendidas en la estencion desde Sn. Diego hasta Sonoma y dispona para atendor à los gastos de la guerra del sobrante de su valor pagadas que sean, de preferencia sus respéctivos deudas legales.

2o. Se aceptuan del art'o anterior la mision de S'ta Barbara que subsistun como palacio Episcopal, atendiendo à su neofiaca de S'ta Ines para Colezio. Instruccion y estudios mayores de la juventud California, y alguna que otra que reservase el Gobierno para siembras nacionales necessarias à la subsistencia de las tropas.

3o. El Gobierno dispondra à el tiempo, modo y forma en que debe verificarse dha. Ota. hipoteca ó arriendo y reglamentara el reparto, prudente de los bienes semov'tes como demas utencilios entre los neofitos respectavos dandales tierras.

4o. El Gobierno pódra eccejor vuemi si Olem'to y ejecutivam'te los interesco qe. algunos particulares adendem à dhas. misiones y dispondra de ellos pa. el mismo fin que el sobrante de que habla al art'lo 1st.

5o. Las misiones Vendidas, tendran en lo subsecivo, el car-
46 acter de pueblos y los hipotecadas ó arren dades ò occupadas por el Gobierno, el de fincas Departmentales siendo del ciu-

dado de este en el reglamento que formero, detallar lo conveniente a la seguridad de subsistencia amogamt. de los M. R. R. R. padres actuales y mantercion de coroso del culto divino y ausilios espirtuales de los pueblos.

Monterey, Agosto 23 de 1844.

DAV. ESPENCE.
PIO PICO.
NARCISSO BOTELLO.

OFFICE OF SURVEYOR GENERAL OF THE
UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office, and in my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the powers vested in me by law, do hereby certify that the twelve preceding and hereunto annexed pages of tracing paper, numbered from one to twelve, inclusive, exhibit a true and accurate copy of extracts from a certain unbound book, entitled Libro de actos de seciones extraordina. de la Exma. Asamblea Departamental de Californias, desde 15 de Agosto hasta al 26 del mismo año de 1844, said extracts comprising all of the proceedings and returns of the departmental assembly, on the dates mentioned therein, relating to the sale or disposition of missions, so far as appears in said book, said book now being on file and forming a part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially, [SEAL.] and caused my seal of office to be affixed, at the city of San Francisco, this twentieth day of December, A. D. 1853.

JOHN C. HAYS,
47 *U. S. Surv. General for California.*

Filed in office July 12, 1854.

GEO. FISHER, *Sec'y.*

48 *Translation of the decree of the departmental assembly.*

EXTRAORDINARY SESSION *of the 20th August.*

The foregoing act of the 15th instant having been read and approved, an official communication from the superior departmental government was taken under consideration, said communication being in relation to the fact that some regiments having been organized to serve as auxilaries, and as defenders of the country, in view of the impending danger of war between our nation and the United States, it would be expedient that the most excellent assembly, in the exercise of its powers, should devise means to sustain these troops, taking under consideration the want of funds in the national treasury; and, having had it under consideration, a special commission was appointed, consisting of Messrs. Spence, Pico, and Botello, to give a report on the matter.

EXTRAORDINARY SESSION *of August 24th.*

Immediately afterwards a reading was given to the report of the committee on revenue and war, which was appointed to find out what resources could be calculated upon by the government to defray the expenses of the war, which is threatening the country by a foreign nation, which report contains five articles in relation to the missions of Upper California, represents these to be the only resource of which use can be made under the actual circumstances; and having had it under consideration, the said five articles were discussed one by one, in their order, and they were approved by an absolute unanimity; having resolved that the said report be made to appear original on the book of acts of the present session, and that a copy of it be delivered to the superior departmental government for his information, that he may publish it whenever he may think 49 proper, and with the view of preventing an improper use of this property.

Afterwards the assembly proceeded to the election of secretary of the excellent departmental assembly, as indicated in the foregoing act; and having been done by ballot, Dn. José Ma. Covarrubias was elected by an absolute majority, having resolved that notice be given to him of his appointment by his excellency the president thereof; and that on Monday, the 26th instant, at four o'clock in the evening, the last session be held; and after this the session adjourned.

MICHELT'A.

(Signed) NARCISSO BOTELLO,
*Vocal secretary.*

The most excellent departmental assembly having assembled on the 26th of August in extraordinary session, and having read and approved the foregoing acts, they resolved the following decree:

The departmental assembly of the department of Upper California having been called in extraordinary session by the executive of the same, with the object of devising means for the probable war which has been announced through extraordinary maritime and land expresses by the supreme national government, having discharged and fulfilled the object for which it was called, have thought proper to decree as follows:

The extraordinary sessions of the most excellent departmental assembly of California remains closed this 26th day of August, 1844.

50 The govornor of the department will bear it in mind, causing it to be printed and published, and for this object the secretary will deliver a copy of this decree.

(Signed) MAN'L MICHELT'A.

(Signed) NARCISSO BOTELLO,
*Vocal secretary.*

POLITICAL GOVERNMENT OF THE CALIFORNIAS.

MOST EXCELLENT SIR: Immediately upon the receipt of the supreme order of the 11th of May of the present year, in which I am informed of the probability of a war between our nation and the U. States, I ordered that auxiliary regiments should be raised to be defenders of the country; and as it may be necessary that these regiments should take up arms, it would be expedient that your excellency, in the exercise of your powers, should devise means to sustain them, for we cannot count upon any funds in the treasury, for the absolute want of them, which is always the case.

With the highest respect. God and Liberty!
August 20, 1844. MAN'L MICHETORENO.

IN THE MOST EXCELLENT DEPARTMENTAL ASSEMBLY.

Let this pass to the committee on revenue and war.

NARCISSO BOTELLO,
*Secretary ad interim.*

51 MOST EXCELLENT ASSEMBLY: The special committee appointed to take into consideration the subject of raising the funds referred to in the superior communication of the departamental government, dated 30th instant, to maintain the auxiliary forces raised by himself on account of the probability of war between our nation and the United States of the North *of the North*, beg leave to report: That they have considered the subject with the greatest care and attention, and that notwithstanding their continued meditations to devise means to raise said funds, they have been *able* to find any; but considering the critical circumstances of the country, threatened to lose nothing else than its rights and liberty, and bearing in mind the scarcity of funds in the national treasury, and the great necessity of devising means for the security and defence of the country, the committee find that the only sure source from which these funds might be obtained for this purpose, are the missions, both because they are falling to decay—that is, those which are hardly standing—as likewise because they must be regarded as the property of the nation, giving a competent gratification to the respective neophytes for whatever rights which they may have; and the committee submit the following articles:

1st. The superior government of the department may sell, mortgage, or lease the tenements, real estate, and lands of the missions of Upper California, situated from San Diego to Sonoma, and they may be disposed of in order that to use the money after paying all its legal debts, to defray the expenses of the war.

2d. From the foregoing article are excepted the missions of Santa Barbara, which will remain to serve as episcopal palace,
52 Ynes to serve as a college for the instruction and studies of the youth of California, and any other which may be reserved by the government to plant what may be necessary for the support and subsistence of the troops.

3d. The governor will point out the time, manner, and form in which the sale, mortgage, or leasing may be made, and will regulate the distributions of the self-moving property and utensils among the neophytes giving them lands.

4th. The government may exact and demand whatever debts may be due from individuals to said missions, and the proceeds thereof shall be disposed of by him in the same manner as of amount spoken of in article 1st.

5th. The missions which may be sold will, for the future, be considered as *pueblos;* and those which may be mortgaged, leased, or occupied by the goverment, will be considered as departmental property. The government bearing in mind, in the regulations which it may make, to see to the security and subsistance of the M. M. R. R. Padres, (actual fathers,) and the preservation of the divine worship and the spiritual wants of the people.

Monterey, August 23, 1841.

DAV. SPENCE.
PIO PICO.
NARCISSO BOTELLO.

Filed in office July 12, 1854.

GEO. FISHER, *Sec'y.*

*Doc. marked J. W., No.* 1, *annexed to the depo. of Pio Pico, taken before James Wilson, com'r.*

53 Pio Pico, Gobernador Constitucional del Departamento de Californias:

[SELLO.]

Por cuanto Dn. Antonio Jose Cot y Dn. Jose Antonio Pico se presentaron á Este Gobierno solicitando se les de en legitima posecion la micion de San Luis Rey y al Rancho de Palas con los terrenos que les pertenecen, en pago de dos mil pesos en plata y cuatro cientes treinta y siete pesos cuatro reales en semillas con qe. han ansiliado al mismo Gobierno en sus urgencias, obligandose ambos à satisfacer en toda clase de esquileno, las deudas de la espresada micion de San Luis Rey en el termino de cuatro años, teniendo en consideracion los perjuicios que los interesados han tenedo por el retardo de la satisfacion de aquella deuda y qe. las fincas que estan en su abandono total no pagaran á los demas deudores, he venido en concederles à los Espresados Sres. Dn. Ant'o Jose Cot y Dn. Jose Antonio Pico, en virtud de las facultades con me hago investido que dandiler personables á satisfacer las deudas de la referida mision de San Luis Rey en el tiempo que ofrecen, Y para qe. el presente documento tenga la validacion correspond'te ano tese y tomese razon en el libro respectivo por el Señor Secretario del despacho pa. resguardo de los interesados; estendiendoseles en papel comun por falta del sellado correspondiente. Dado en la caso de Gobierno en la ciudad de los Angeles, à los diez y ocho anos del mes de Mayo de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Int'r.*

Queda tomada razon de este superior despacho en el libro respectivo.
MORENO.

Filed in office Sept. 27th, 1852.
GEO. FISHER, *Sec'y.*

"B."—*Translation of grant.*

54 Pio Pico, constitutional governor of the department of the Californias:

[GOVERNMENT SEAL.]

Whereas Don Antonio Jose Cot and Don Jose Antonio Pico have presented themselves to this government, petitioning that it shall give them a legitimate possession the mission of San Luis Rey and the rancho of Pala, with the lands which pertain to them, in payment of two thousand dollars in money, and four hundred and thirty-seven dollars and four reals in grain, with which they have assisted the government in its exigencies; they both obligating themselves to satisfy, in every description of produce, the debt of the said mission of San Luis Rey in the term of four years; having in consideration the prejudices which the interested parties have had in the delay of the satisfaction of the said debt; and that the edifices which are in a total abandonment will not pay the other creditors. I have come to concede them to the Señors Dn. Antonio Jose Cot and Dn. Jose Antonio Pico, in virtue of the facilities with which I find myself invested; they remaining responsible to satisfy the debts of the said mission of San Luis Rey in the time which shall offer. And in order that the present document shall have such corresponding validity, let it be entered and taken account of in the respective book by the señor secretary of despatch, for the security of the interested, being on common paper for lack of the proper sealed.

Given in the government house in the city of Los Angeles this 18th of May, 1846.
PIO PICO.

JOSE MORIA MORENO, *Sec. ad int'r.*

Account taken of this superior despatch in the proper book.
MORENO.

Filed in office Sept. 20, 1852.
GEO. FISHER, *Sec'y,*

*Copy of the order from the President of Mexico to Pio Pico.*

55 MINISTERIO DE GUERRA Y MARINA,
*Seccion de Operaciones, Gl. de California.*

ES. AL. S. COMAND'TE:

Principal dijo hoy la sigte:

Las preparitivas qe. hacen los Estados Unidos y la aprocimacion de sus fuerzas navales á nuestros puestos, no dejan duda de qe. la Guerra

con aquella patencia esta pa. romperse y como el. E. S, Presedte. V. esta decidido á sostener los derechos de la nacion quiere qe. en todos los puertos de la Republica en que se presente el enemigo se haga una defensa rigorosa y capaz de dar honor y gloria al pa bellon nacional, al efecto, mientros qe. el supremo Gobno. proporceonare à V. S. los auxilios convens. es pera de su patriotismo y lealtad qe. dictara las providencias qe. jusgue oportunas pa. la defensa de ese Deptr. con cuyo objeto queda V. S. y el Sor. Gobnr. facultado ampliante. y tengo el honor de insertalo à V. E. pa. su conocimto. es perando qe. por su parte no perdonera medio pa. conservar'rlesos los derechos de la patria.

Dios y Libertad ! Mejico, Marzo 10 de 1846.

TORNEL,
*E. S. Gobor. del Depart. de Californias.*

Es copia fil de su original que quedo en mi poder y à que mi remito.

PIO PICO.

Angeles, September 27th, 1852.

I certify the foregoing to be a true and correct copy of the original in possession of the witness, which copy I have compared with the original.

Office of the board of land commissioners for California, Angeles, September 27th, 1852.

GEO. FISHER, *Sec'y.*

Filed in office Sept. 27th, 1852.

GEO. FISHER, *Sec'y.*

56 [Translation.]

*Copy of the order from the President of Mexico to Pio Pico.*

To the SENOR COMMANDANTE OF THE CALIFORNIAS.

I now say the following :

The preparations made by the United States, and the approximation of their naval forces to our ports, does not leave any doubt that war is about to break out with that Power; and as his senoria, the President, has determined to sustain the rights of the nation, he wishes that all the ports of the republic in which the enemy shall present himself, that they shall make a rigorous defence, capable of giving honor and glory to the national flag.

For which effect the supreme government shall give your senoria the necessary aid, hoping that your patriotism and loyalty will suggest the means which you shall judge opportune for the defence of this department, for which object there will remain ample faculty to your excellency and the governor; and I have the honor to insert it

for the knowledge of your excellency, hoping for your part that no means will be lost to preserve in trust the rights of the country.

For God and liberty. Mexico, March 10, 1846.

TORNEL.

Filed in office Sept. 27, 1852.

GEO. FISHER, *Sec'y.*

57 E.—*Copy of order of delivery and translation.*

GOBIERNO DEL DEPART'O DE CALIFORNIAS.

Avista de la presento entregada V. à Dn. Antonio Jose Cot and Don Jose Antonio Pico la micion de San Luis Rey, contodas las entereses, terrenos y demas pertenencias que la corresponden y ha tenido V. à su cargo formando el efecto un inventario de todo ello que firmaran V. y los señores referidos, remiticudo un tanto de el à este Gobierno para los finos convenitas.

Dios y Libertad.

PIO PICO.

ANGELES, *Julio* 24, *de* 1846.

Sor. Dn. JUAN MA. MARRON.

[Translation.]

GOVERNMENT OF THE DEPARTMENT OF CALIFORNIA.

At sight of the present you will deliver to Dn. Antonio Jose Cot and Dn. Jose Antonio Pico the mission of San Luis Rey, with all the property, lands, and other appurtenances which belong to it and which have been under your charge, forming to that effect an inventory of the whole, which you and the other gentlemen referred to will sign, remitting a like one to this government for the uses convenient.

God and liberty.

PIO PICO.

ANGELES, *July* 24, 1846.

Sor. Dn. JUAN MA. MARRON.

Filed in office, Sept. 20, 1852.

GEO. FISHER, *Sec'y.*

58 *C.—Receipt for* $2,437.4, *and translation.*

[GOVERNMENT SEAL.]

Recibi del Señor Dn. Antonio Jose Cot la cantidad de dos mil pesos en plata $2,000, y la de cuatro cientos treinta y siete pesos cuatro reales $437.4. Como en pago de la suma à que asciendo el valor importado del Establicimiento de San Luis Rey algun trato celebrado con el Gobierno Departamental como consta de la Escritura formal que al efecto se halle en poder del comprador.

Y para constancia de ello y seguridad del interesado le doy este documento para los usos que le sean conveniente en la ciudad de Los Angeles. 18 de Mayo de 1846.

PIO PICO.

Son $2,437.4.
Filed in office Sept. 20th, 1852.

GEO. FISHER, *Sec'y.*

[GOVERNMENT SEAL.]

Recibi of Señor Dn. Antonio Jose Cot the sum of two thousand dollars in money ($2,000,) and four hundred and thirty-seven dollars and four reals in grain ($437.4,) in payment of the sum to amounts the estimated value of the establishment at San Luis Rey, according to the contract celebrated with the departmental government, as shown in the formal writing, which to that effect is in possession of the purchasers.

And for testimony of it, and security of the interested, I give him this document for the uses which may be suitable in the city of Los Angeles, May 18, 1846.

PIO PICO.

$2,437.4.

59 *Exhibit No. 2, A. F., annexed to depo. of S. E. Arguello.*

Antonio Jose Cot por si y á nombre de Dn. Jose Antonio Pico habiendo con fecha de ayer, vemte y seis de Noviembre concluido y formado un contrato de cesion hecha al Srs. Dn. Guellermo Carey Jones, de los derechos que tienen à la Mision de S. Luis Rey mediente. la compra que hicieren al Gobierno de Este Departamento y deseando hacer algunas aclaraciones à dho. documento para evitan en adelante todo motivo de duda vienen en declarar. y declaren. Que al hacer la cesion, traspaso y venta de sus referidos derechos se entienden no salo las que se expresen à dha. Mision, sin que se estiendan à todas las pertenencias de ella como casas, Ranchos, huertas Unidos y demas à ella anexos tambien son comprendidas los derechos que les asisten para reclamar del Gobierno de los Estados Unidos los perjuicios y demas que les ha causado el des pago qe. se les huyo y la perdida que ha sufrido la Mision de sus fabricas y demas anexas como igualmente los arrendamientos à qe. esta obligado à pagan dicho Gobierno por el tiempo que ha ocupado el Establicemto. Le traspasen igualmente los derechos que tienen para reclamar contra los Agentes de dho. Gobierno de E. V. y, otros particulares que hayan causado dueños y perjuicios à la expresada Mision bien sea estraendo articulos de valcr à ella pertenecientes ò de otro modo siendo causa de su destrozo, declaren igualmente que desde hay en adelante y para siempre se de sa poderem desisten quiten y apartan à sus herederos y suscesores del dominio ò propiedad o cuales quiera otro derecho que les competa à la enunciada Mision, salvo el de la Renunciaracion pactada en el documento à que nos referinos, y se obligan

à que dicha Mision (luego de obtenido del Gobierno a tribunales de
los E. U. la ratificacion de la venta) sera cierta y efectiva al
60 Sor. Jones y nadie le inquietara ni mover a pleito sobre su pro-
piedad, goze posecion y disfrate ni contra ella apare cesa
gravamen alguno cumplida que sean los condiciones que impriso, el Gobierno en su documento de venta. Declaren igualmente que ni ellos mismos ni su apoderados y herederos tendran dho. derecho à la hipoteca que ha hecho el Sor. Jones de la espresada Mision en el documento à que nos referimos suio el que les corresponde hasta que dar verificado el pago de los veinte mil pesos à que ha quedado obligado. Declaren asi mismo que los plazos que se han empalado para el pago antedicho deben entenderse en el caso de que el Gobierno de los E. S. apruche desde luego la venta suso dicha, pero si el Sor. Jones no lograrse su aprovacion inmediate y tuviere que occurrir à los tribunales pa. obtener la Validez de los derechos a la Mision queda Estipulado que los tres plagos a que hace referencia el documento principal serandedos, quatro y seis años y empesaron a contarse desde el dia qe. queda executado la sentencia a su favor y declarados legitimos los derechos materia de nuestra contrato.

Finalmente, obtenida la posecion legal de la Mision se elevara documento principal y estos aclaraciones à documento publico. Fecha en la cuidad de Los Angeles à treinta y siete de Noviembre de un mi ochocientos y quarenta nueve.

Por mi y por Dn. Jose Antonio Pico.

ANTONIO JOSE COT.

Filed in office December 15th, 1853.

GEO. FISHER, *Sec'y.*

61 *Exhibit No.* 2, *A. F.*, *to deposition of S. E. Arguello.*

Antonio Jose Cot, for himself and in the name of Jose Antonio Pico, having, on the date of yesterday the twenty-sixth of November, concluded and signed a contract of cession, made to Don Guillermo Carey Jones, of the rights they have to the mission of San Luis Rey by virtue of purchase made by them of the government of this department, and desiring to make some explanations of the said document, to avoid in future all causes of doubt, they resolve to declare and declare—

That in making the cession, transfer, and sale of their rights aforesaid, not only those which are expressed to said mission are understood, but that they extend to all the appurtenances thereunto belonging, such as houses, ranchos, orchards, vineyards, and everything thereunto belonging, with their rights also of demanding of the government of the United States the injuries and damages caused by the despointment perpetrated upon them, and the loss which the mission has sustained in its buildings and other property; as also the rents which the said government is bound to pay for the time which it occupied the establishment.

They likewise transfer to him their right to recover from the agents

of the said government of the United States, and other individuals, the damages and injuries they may have caused to the mission aforesaid, whether by extracting articles of value thereunto belonging, or in any other manner being the cause of its decay.

Also, they declare that they henceforth and forever dispossess themselves thereof, desist, quit, and separate their heirs and successors from the dominions, or ownership, or whatever other right they may have to the aforesaid mission, except to the consideration stipulated in the document to which we referred. And as soon as the
62 ratification of the sale is obtained from the government or tribunals of the United States, they obligate themselves that the said mission shall be certain and effective to Señor Jones, and that no person shall disturb him, nor institute suit for his ownership, enjoyment, possession, and use thereof, nor shall any encumbrance appear against it, the conditions imposed by the government in its deed of sale being *completed* with.

They declare, also, that neither they nor their attorneys and heirs shall hold any other right to the mortgage executed by Señor Jones upon the said mission in the document to which we referred, except that which belongs to them, until the payment of the twenty thousand dollars for which it is mortgaged shall be made.

They also declare that the terms which have been stipulated for the payment aforesaid should be understood, that in case the government of the U. S. immediately approve the sale above mentioned; but if Señor Jones shall not obtain its immediate approval, and shall have to resort to the tribunals for the confirmation of the rights to the mission, it is stipulated that the three years, to which reference is made in the principal document, shall be two, four, and six years, and shall commence from the date of the decision rendered in his favor, and the rights, the subject of our contract, declared to be legitimate.

Finally, having obtained the legal possession of the mission, the principal document and those explanations shall become a public document, made in the city of Los Angeles on the twenty-sixth day of November, one thousand eight hundred and forty-nine.

For myself and for Don Jose Antonio Pico:

(Signed) ANTONIO JOSE COT.

63 A true and correct translation of its original in case No. 346, W. C. Jones *vs.* The United States.

Witness my official signature this 13th day of December, 1853.

GEO. FISHER, *Sec'y.*

Filed in office Dec. 13th, 1853.

GEO. FISHER, *Sec'y.*

*Exhibit No.* 1, *A. F.*, *annexed to deposition of S. E. Arguello.*

Conste por el presente que doy y confiero pleno poder â Don Antonio Jose Cot, residente en esta ciudad para que pueda enajenar en los terminos que considere favorable. La mision de S. Luis Rey que es de nuestra comun propiedad mediante la venta confecha 18 de

Mayo de 1846, me comprometo à estar y pasar por la venta que efectuase sui que en tiempo alguno puede da yo reclamar su nulidad, bien sea por pretexto de bajo precio ni otra cualesquera causa renunciando todo ley que pudiera favorecerme, en fé de la cual firmo el pres'te en la ciudad de Los Angeles à veinte dias del mes de Julio del año de un mil ochocientos quarenta y ocho siendo testigo, D. Ygnacio del Valle y D. Agustin Olvero.

JOSE ANT'O PICO.

Testigo: YGNACIO DEL VALLE.
Testigo: AGUSTIN OLVERA.

Filed in office Dec. 13th, 1853.

GEO. FISHER, *Sec'y.*

64 *Translation of Exhibit No.* 1 *to deposition of J. E. Arguello.*

Know all men by these presents, that I give and confer upon Don Antonio Jose Cot, resident in this city, full power to alienate, upon such terms as he may consider favorable, the mission of San Luis Rey, which is our common property, by virtue of sale made to us thereof by the departmental government under date of the 18th of May, 1846. I obligate myself to abide by the sale that shall be effected, without being able at any time to demand its nullity, whether upon pretext of low price or any other cause whatever, renouncing all the laws that may favor me.

In testimomy whereof I sign the present, in the city of Los Angeles, on the thirtieth day of the month of July, one thousand eight hundred and forty-eight. Don Ygnacio del Valle and Don Agustin Olvera being witnesses.

(Signed) JOSE ANTONIO PICO.

Witnesses:
(Signed) YGNACIO DEL VALLE.
(Signed) AGUSTIN OLVERA.

A true and correct translation of its original in case No. 348, W. C. Jones *vs.* The United States, now on file in this office.

Witness my official signature this 13th day of Dec., A. D. 1853.

GEO. FISHER, *Sec'y.*

Filed in office Dec. 13, 1853.

GEO. FISHER, *Sec'y.*

65 *Document marked J. W., No.* 3, *annexed to the deposition of Pio Pico taken before Com'r Wilson.*

Inventorio de las Existencias en la Ex-Mision de San Luis Rey Entregados à los contratantes Don Antonio Cot y Don Jose Antonio Pico, por Don Juan Ma. Marron, ha saber:

Interior de la casa.

Bodega:
2 pipas de vino que se componen de 10 barriles.

2 demajuanes basias.
5 pipas basias.
3 Embudas.
2 barriles basias.
1 Tolita.
1 bomba de ague.
1 galon de cobre.
1 Media quartella de ojo de lata.

Almasen :

1 par de balances con sus pesos.
2 Cuchillos de Matanzas.
4 Albortamtes.
3 poderados.
1 Malder pr. hacer velas.
1 fresada y 1 mantel.
1 papelera.
11 Camaras de cabre.
2 llanes de bronce de barril.
9 pares de Tejeras de trasquila.
1 cajon con balancetos y pesos.
3 Bates de oja de lata.
1 Barena Grande.
5 Fierros de Herrae.
1 Achita.

66 Sala:

1 mesa grande.
2 Bancos.
3 id del corredor.
1 canape.
11 sillas palronas.
4 estampas de liense.
1 reloj inutil.
10 sillas de sentarse.
1 espejo.
1 imagen de bulto.
1 cristo, id.

Comedor:

3 mesas, 3 manteles, 1 carpeta de balleta.
2 bancas, 1 platon, 7 platos, 2 tasas grandes.
4 id. conpiatitors de cha.
2 dulceras, 2 saleras, 1 bottella de cristal, 1 frasco.
9 cucharas, 30 truchaderas, 1 cucharon, 6 candeleras.
1 bandega de cobre, 1 tinaja de cobre.

Cuartos del interior:

11 catres, 7 calchorus, 4 almuadas consus fundas.

6 sabanas, 1 santa cristo de plata, 1 canape, 1 banca.
2 mesas.

Dispensa:

Una pipa con algun vinagre, 1 cajon para guardar armos.
1 balanza compesos, 1 mesa, 7 basijas para aceite.
2 medidas, almode, 2 id.

Almasenito:

1 allavos, 1 molino pa disgranar mais, 1 bombade oja de lata.
6 asadones de medio servicio, 3 barras de fierro.

Traja:

Medidas para grano, 100 fanegas de trijo poco maso. menos le el rancho de Palo.

67 Tilar:

5 tilares, 9 tornos, 1 urdidor, 1 de banador, 1 Romana.
7 pares de cardas.

Cuarto del aseite:

2 preusas, 1 molino de asertanos, 2 casas de cobre, 2 sombreros de alambique, inutiles, 2 bancos pava latras camino.

Fragua:

1 fleny, 1 tornillo, 3 glymgues, 2 masos, 1 falado inutil.
2 claveros, algunos fierros de herreria.

Cosina:

2 metate, 1 comal, 1 barril, 1 acha, 1 cosa de cobre.

Cuarto del molino:

7 metales, 1 molino de rostro, 2 cueros, 3 quias de cuero.
1 molino inutil, 4 llugos aperados, 4 cuartos.

Panaderia:

1 artesa, 1 catre, 1 pala, 1 casode cobre inutil.
1 metale.

Zapateria:

1 mesa, 2 cajones, 4 Ormas, fluenos de pecar sillas.
1 compas, 1 dis carmador alesmo, 2 tabelas, 2 bancos pa picar.

Jato:

Costalles, 10 apanejos.

Carpenteria:

Una quela, 1 soruche inutil, 1 quadra de fruna.
1 uni quadra de id'a, 5 sepillos inutiles, 2 escaplos, 1 martillo, 1 glumque, 1 mallijon, 2 achas, 1 banco, 2 frenos de toneleria.

Jaboneria:

3 casos una mesa, 1 pitana, 1 caun.

En el rancho de Pala:

1 alambique de rosca, 1 id. corriente, 1 id inutil.
68 6 pipas utiles y 2 inutiles, 6 asadorus inutiles, 1 yonque toneleria, 3 barras y 14 barretones de fierro, 1 telares, 2 mesas, 1 banca, 2 catres, 2 sillas palronas, barril viejo, 1 caso de cobre inutil, 1 id. chico inutil, 5 arrados conpentos.

Bienes semovientes en el rancho de San Juan y Pala:

32 llentas de bueges, 105 cabesas de ganado mayor.
185 cabesas de caballada bronca, 28 id., mansas.
24 mulas, 691 borregas chico y grande, 88 cabenas.
71 cabesas de burrado.

Vinas huertas y labor:

1 una viña en la mision que se compone de 8,500 paras inutiles.
60 arboles de aseitunos y algunas arboles frutales casi inutiles.
1 una huerta llamado del chono con, 60 arboles frutales medeo utiles.
1 una huerta y viña en pala que se compone de, 7,500 parras, 60 arbales de aseitunas, 60 id. de parras, 20 id de Manzanas, 1 una siembre de, 4 alms. de mais en mal estado.

*(Dep. Pio Pico.)*—Fabricas:

1 la fabrica principal de la ex-mision.
1 la casa que existe en el rancho de Pala.
1 la casa y corral del rancho de San Juan.

Terrenos:

Se compone del que hay colindante con la Sierra de Pauma por este al norte con Santa Margarita, al sur con el rancho de San Francisco y playa por el oeste.

San Luis Rey, 9 de Agosto de 1840, seha recibido conforme este inventario como comisionado de Don Antonio Cota.

JUAN FOSTER.

ANT. PICO.
JUAN MA. MARRON.

Filed in office Sept. 27, 1852.

GEO. FISHER, *Sec'y.*

69 **[Translation.]**

### *Doc. No.* (3) *to the deposition of Pio Pico.*

Inventory of the stock on hand in the mission of San Luis Rey, delivered to the contractors, Don Antonio Cot and Don Jose Antonio Pico, by Don Juan Maria Marron, to wit:

Interior of the house.

Store room:

2 pipes of wine, containing 10 barrels.
3 empty demijohns.
5 pipes.
3 funnels.
2 empty barrels.
1 toleta.
1 air-pump.
1 copper gallon measure.
1 tin ½-pint measure.

Warehouse:

1 pair scales and weights.
2 butcher knives.
4 candle sockets.
3 pruning knives.
4 candle moulds.
1 blanket and mantle.
1 scrutoire.
11 copper chambers.
2 brass fassets.
9 pairs sheep-shears.
1 box glue.
1 chest with useless medicine.
1 small box with balance and weights.
3 tin canisters.
1 large auger.
3 branding irons.
1 hatchet.

Sala:

1 large table.
2 benches.
3 do. in the corridor.
1 bedstead.
11 elbow chairs.
4 canvas drawings.
1 useless clock.

10 chairs.
1 looking-glass.
1 image in Scripture.
1 Christ do.

Dining-room:

3 tables.
3 table covers.
1 Bayeta table carpet.
2 benches.
1 dish, 7 plates, 2 large bowls, 4 bowls and saucers.
2 sugar bowls, 2 salt cellars, 1 glass bottle, 1 Frasco.
9 spoons, 30 trenchers, 1 long spoon, 1 copper waiter.
1 copper jar.

Interior rooms:

11 hammocks, 6 sheets, 2 bedspreads.
7 mattresses, 1 silver holy Christ.
4 pillows and cases, 1 bedstead, 1 brush, 2 tables.

Store-rooms:

1 pipe with some vinegar, 1 flour chest, 1 scale and weights.
1 table, 7 oil covers, 2 measures, almed and ½ do.

Small store-house:

25 lb. nails, 1 cornsheller, 1 tin pump, 6 large spits, 3 iron bars.

Granary:

Grain measures, 100 fanegas, little more or less, wheat on the rancho de Pala.

71 Weaving shop:

5 looms, 9 wheels, 1 warping frame, 1 reel.
1 steelyard, 7 pairs cards.

Oil shop:

2 presses, 1 oil mill, 2 copper kettles, 2 still caps useless, some benches to dress hemp.

Blacksmith shop:

1 bellows, 1 vice, 2 anvils, 2 sledges, 1 useless drill, 2 benches, some smoothing irons.

Kitchen:

2 metales, 1 comal, 1 barrel, 1 axe, 1 copper kettle.

Mill:

7 runners, 1 draught mill, 2 hides, 3 hide tubs, 1 useless mill, 4 framed yokes, 4 drawing tugs.

Bakery :

1 trough, 1 hammock, 1 spade, 1 useless copper kettle.
1 metale.

Store shop :

1 table, 2 boxes, 4 lasts, irons to prick saddles, 1 compass.
1 scrape, anvils, 2 boards, 2 benches for picking.

Talo :

Sacks, 10 pack saddles.

Carpentry :

1 adze, 1 useless saw, 1 iron square, 1 id., 5 useless planes.
2 chisels, 1 hammer, 1 anvil, 1 grindstone, 2 axes.
1 bench, 2 coopers' irons.

Soap factory :

3 kettles, 1 table, 1 Petaria, 1 trough.

At the Rancho de Pala :

1 worm still, 1 common do., 1 useless do., 6 good and 2 useless pipes, 6 useless spits, 1 coopers' tongue, 3 small and 14 large bars of iron, 1 loom, 3 tables, 1 bench, 2 hammocks.
72 2 elbow chairs, 1 old barrel, 1 useless copper kettle.
1 good small copper kettle, 5 ploughs with points.

Self-movable property on the rancho of Pala and San Juan:

33 yokes of oxen, 105 head of cattle, 185 wild horses.
28 tame horses, 24 mules, 691 sheep, old and young.
88 goats, 71 donkeys.

Vineyards, orchards, and fields:

1. One vineyard at the mission containing 8,500 useless vines, 60 olives and some fruit trees, nearly useless.
1. One orchard, called "Chorro," with 60 half-bearing fruit trees.
1. One orchard and vineyard at Pala, containing 7,500 vines, 60 olive trees, 60 pear and 20 apple trees.
1 field of 4 almodes of seed, in bad condition.

Buildings:

1. The principal building of the ex-mission.
1. The house on the rancho de Pala.
1. The house and corral on the rancho de San Juan.

Lands:

They are composed of that which is bounded by the Sierra de Pauma on the east, on the north by Santa Margarita, on the south by the rancho de San Francisco, and by the beach on the west.

SAN LUIS REY, *August* 9, 1846.

Received according to this inventory, as the agent of Don Antonio Cot.

(Signed) JUAN FOSTER.
(Signed) ANTO. PICO.
(Signed) JUAN MA. MARRON.

73 A true and correct translation of its original, in case No. 348, Wm. Carey Jones *vs.* The United States.

Witness my official signature this 27th Sept., 1852.

GEO. FISHER, *Sec'y.*

Filed in office Sept. 27, 1852.

GEO. FISHER, *Sec'y.*

74 *Communication from the minister of justice.*

MINISTERIO DE JUSTICIA Y INSTRUCCION PUBLICA.

E. S.: Ha llegado a noticia alli, E. S. Presd'te que el Gobierno de Departamento ha despuesto sacar à publica subasta todas los bienes pertenecientes à los misiones del modo que el antesecor de V. E. habra mandado devalver á los respectivas misioneros para el manejo y adminis. de sus temporalidades; en consecuencia se ha servido prevenumse que ese Gobierno se sirva informar sobre estos particulares suspendiendo desde luego todo procedm'te en cuanta à enagenacion de los bienes de que setrala, hasta la resolucion del Sup'mo Gobierno.

Tenga el honor de decirle à V. E. con los fines indicados protestandale mi consideracion y aprecio.

Dios y libertad. Mexico, Noviembre 14 de 1845.

MONTESDIOCA.

E. S. Gobernador del Depart. de Californias, puerto de Monterey.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed page of tracing paper, numbered one, exhibits a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

75 In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this seventh day of March, 1855.

JOHN C. HAYS,
*U. S. Surveyor General for California.*

Filed in office April 10th, 1855.

GEO. FISHER, *Sec'y.*

*Translation of communication from minister of justice.*

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

MOST EXCELLENT SIR: His excellency the President has received information that the governor of that department has ordered that the property belonging to the missions thereof be put up for sale at public auction, which your predecessor had ordered to be returned to the respective missionaries for the direction and administration of their temporalities, therefore he deemed proper to direct me to say that the said governor will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforementioned property till the determination of the supreme government.

I have the honor to communicate it to your excellency for the purposes indicated, protesting to you my consideration and esteem.

God and liberty. Mexico, November 14, 1845.

(Signed) MONTESDEOCA.

His excellency the Governor of the Department of the Californias, port of Monterey.

76 A true and correct translation of a traced copy in case No. 348, filed Ap'l 10, 1855.

Witness my official signature this 14th Ap'l, 1855.

GEO. FISHER, *Sec'y.*

Filed in office April 14, 1855.

GEO. FISHER, *Sec'y.*

77 *Opinion by Com'r Farwell.*

WILLIAM CAREY JONES *vs.* THE UNITED STATES. } For a place called the ex-mission of "San Luis Rey," in the county of San Diego, containing about thirteen sqr. leagues.

The petitioner in this case claims title under Antonio Jose Cot and Jose Antonio Pico, and has offered in evidence, in support of his claim, a grant issued by Governor Pio Pico to the said Cot and Pico, dated the 18th day of May, 1846; also, a deed from the said Cot and the said Jose Pico, executed by the said Cot in his own behalf, and as attorney for the said Jose Pico; also, a power of attorney from the said Jose Pico authorizing the said Cot to sell. All which documents are duly authenticated.

This grant purports to have been made under special authority of the government at a time when a war was anticipated with the United States, for the purpose of raising means to defray the expenses of repelling the invasion expected, and was in consideration of the sum of two thousand dollars in money and a quantity of grain to be furnished for the use of the government, and in future consideration of the payment on the part of the grantees of the outstanding debts of the mission.

The proofs in the case go to show that the payments were faithfully made, and, from the whole showing, we think the claim is a valid one, and a decree of confirmation will be entered.

Confirmed.

Filed in office June 12, 1855.

GEO. FISHER, *Secretary.*

78 *Decree of confirmation.*

WILLIAM CAREY JONES
*vs.*
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is valid, and it is hereby decreed that the same be, and hereby is, confirmed.

The land, of which confirmation is hereby made, is that which, on the 18th day of May, 1846, the date of the original grant in this case filed, composed and pertained to the mission of San Luis Rey and rancho of Palas, and is bounded as follows:

North by Santa Margarita, east by the Sierra of Pauma, south by the rancho of San Francisco, and west by the sea shore. Reference being had to the evidence on file in this case for further particulars, excepting therefrom all valid grants within said boundaries made prior to the date of the grant aforesaid.

R. AUG. THOMPSON,
S. B. FARWELL,
*Com'rs.*

Filed in office June 12, 1855.

GEO. FISHER, *Sec'y.*

*Order.*

79 And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings, and of the decisions in this case, and of the papers and evidence upon which said decision was founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

80 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary of the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing ninety-seven pages, numbered from 1 to 97, inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 348, on the docket of the said board, wherein William Carey Jones is the claimant against the United States for the place known by the name of ex-mission of San Luis Rey.

In testimony whereof I hereunto set my hand, and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-first day of November, A. D. 1855, and of the independence of the United States of America the eightieth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Filed December 6th, 1855.

C. E. CARR, *Clerk,*
By SAMUEL R. DUMMER, *Deputy.*

82 *Notice of appeal.*

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES.
*Washington, Dec.* 31, 1855.

348.—"EX-MISSION OF SAN LUIS REY,"
WILLIAM CAREY JONES, claimant.

You will please take notice, that in the above case decided by the commissioners to ascertain and [settle] private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 3d day of December, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING,
*Attorney General.*

Filed July 12, 1856.

C. E. CARR, *Clk.*

84 *Petition for review.*

In the district court of the United States for the southern district of California.

*City and county of Los Angeles, State of California:*

WILLIAM CAREY JONES, appellee, *ads.* THE UNITED STATES, applt. } Docket, No. 339. Transcript, No. 348.

*To the Hon. Isaac S. K. Ogier, judge:*

The petition of Pacificus Ord, a resident of said city, county, and

State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States, represents as follows: That heretofore, to wit, on or about the 20th day of September, A. D. 1852, William Carey Jones presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, claiming a tract of land called ex-mission of San Luis Rey, in the county of San Diego, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit, on or about the 12th day of June, A. D. 1855, the said commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit, on or about the 6th day of December, A. D. 1855, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 348, reference to which it is prayed may be had and made part of this petition. That on or about the 3d day of December, A. D. 1855, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript
of the proceedings and decision of said commissioners in said
85 cause, and the papers and evidence on which said decision was
founded. That thereafter, to wit, on or about the 12th day of
February, A. D. 1856, the said Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States, that the appeal in said cause from the said decision of the said commissioners, in the district court of the United States for the southern district of California, would be prosecuted by the United States. Your petitioner further represents that the land claimed, as aforesaid, is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists that the said claim is invalid, and the said decision of said commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant presented, as aforesaid, to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed, as aforesaid, or any part thereof. And no sufficient proof having been made of the allegations in said petition to said commissioners, or in
support of the said claim, no decision confirming the same
86 should have been made by said commissioners; but the said
claim should have been rejected by them; and the said claimant, having no valid right or title derived from the Spanish or Mex-

ican governments to the land claimed, as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to, the United States by virtue of conquest, and the treaty of peace, friendship, limits, and settlement between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress, entitled "an act to ascertain and settle the private land claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition, and that this honorable court will review the said decision of said commissioners, and reverse the same, and decide on the validity of the same, and decree the alleged title to be invalid, with costs and general relief.

P. ORD,
*Attorney of the United States for the southern district of California.*

Filed this 5th January, A. D. 1857.

L. SIMS, *Cl'k.*
Pr. J. H. COLEMAN, *Dep'y.*

*Summons.*

88 UNITED STATES OF AMERICA,
*Southern district of California, ss:*

The President of the United States to Wm. Carey Jones, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against you and each of you in the district court of the United States, in and for the southern district of California, on the 5th day of January, in the year of our Lord one thousand eight hundred and fifty-seven, at the city and county of Los Angeles, in said district, by P. Ord, U. S. att'y, praying said court to review the decision of the board of land commissioners of the 12th June, 1855, confirming your claim to the land called ex-mission of San Luis Rey, in the county of San Diego, and that you, and each of you, are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles; and within twenty days if served on you in the county of San Diego or Bernardino; and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or that judgment, by default, will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof I have hereunto set my hand and affixed the seal of the said court, this 31st day of January, in the year [SEAL] of our Lord one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. SIMS, *C'lk.*
Per J. H. COLEMAN, *Dep'ty.*

Received Feb'y 3, 1857.

EDWARD HUNTER, *U. S. Marshal,*
Per M. L. GOODMAN, *Dep'ty.*

89 I served this summons, along with the proper copy of the petition, upon ———, not found, ——— at ———, in the southern district of California, on the ——— day of ———, A. D. 185–.

Sworn to and subscribed before me this 14th day of May, 1858.

J. C. RENNIE, *Marshal.*
By WM. H. SHORE, *Dep'y.*

C. SIMS, *Clerk.*
Per J. H. COLEMAN, *Dep'y.*

I served this summons, with a proper copy of the petition, upon Horace Hawes, at Monterey, in the southern district of California, on the 15th day of June, 1858.

JAMES C. RENNIE, *U. S. Marshal.*

Sworn and subscribed before me this 10th July, 1858.

C. SIMS, *Cl'k.*
Per J. H. COLEMAN, *Dep'ty.*

Filed on return this 14th May, A. D. 1858.

C. SIMS, *Cl'k.*
Per J. H. COLEMAN, *Dep'ty.*

Filed on return 10th July, 1858.

C. SIMS, *Cl'k.*
Per J. H. COLEMAN, *Dept'y.*

90 Whereupon the following proceedings were had in open court.

*Order fixing day for hearing.*

United States district court southern district of California.—December term, 1858.

DECEMBER 15, 1858.

W. C. JONES, appellee,
*vs.* } No. 339.
THE UNITED STATES, app'ts.

Now, on this day, come said parties aforesaid, by their attorneys

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aforesaid, and on motion of J. R. Gitchell, U. S. dist. att'y, the counsel for claimant being present and consenting:

It is ordered, that the cause be set down for hearing on the 21st day of April, A. D. 1859, and that the parties have leave in the meantime to proceed to take testimony in said cause under the rules of this court.

*Leave to file exhibits.*

United States district court, southern district of California.—December term, 1858.

APRIL 21, 1859.

WM. CAREY JONES, app'ee,
*vs.*
THE UNITED STATES, app'ts.
No. 339.

On motion of counsel for the United States, and by leave of the court, the appellants file exhibits, from (1) one to (42) inclusive.

91 *Notice of hearing.*

In the district court of the United States for the southern district of California.

THE UNITED STATES, appellant,
*vs.*
W. CAREY JONES, appellee.
In D. C., No. 339.
Mission of San Luis Rey.
In L. C., No. 348.

*To the said appellee or his attorneys:*

You are hereby notified that the above entitled cause will be brought on for hearing before said district court on the first day of the next term thereof, to be holden in the city of Monterey, district aforesaid, commencing on the 6th day of June, A. D. 1859, or as soon thereafter as the same can be heard.

ISAAC HARTMAN,
*Of counsel for appellants.*

May 12, 1859, received a copy of the within.

VOLNEY E. HOWARD,
Per ALDRICH.

Filed June 2, 1859.

C. SIMS, *C'lk.*
Per W. W. STETSON.

*Trial.*

92 Whereupon the following proceeding were had in open court:

United States district court, southern district of California.—June term, A. D. 1859.

MONTEREY, *June* 14, 1859.

WM. CAREY JONES, app'ee,
*vs.*
THE UNITED STATES, app'lt.
No. 339.—Mission of "San Luis Rey."

Now, on this day, this cause coming on to be heard, it was opened, presented, and argued by Volney E. Howard, esq., att'y for the claimant, and by Isaac Hartman, esq., as counsel for the appellants, when, before the completion of the argument of Mr. Hartman, the court adjourned till to-morrow, at 11 a. m., to hear further argument.

In the United States district court for southern district of California.
June term, A. D. 1859.

MONTEREY, *June* 15, 1859.

| | | |
|---|---|---|
| WM. CAREY JONES, app'ee,<br>*vs.*<br>THE UNITED STATES, appel't. | } | No. 339. |

Now, on this day, came the parties by their respective counsel in this case, whereupon Isaac Hartman, esq., of counsel for the United States, having concluded his argument therein, the same was continued till to-morrow for further argument.

93 In the United States district court for southern district of California.—June term, A. D. 1859.

NONTEREY, *June* 16, 1859.

| | | |
|---|---|---|
| WM. CAREY JONES, app'ee,<br>*vs.*<br>THE UNITED STATES, app'lts. | } | No. 339. |

Now, on this day, came the parties aforesaid, by their respective attorneys, when, upon the argument of Mr. Holliday, att'y for the claimants, in reply to counsel for appellants, the same was finally submitted to, and taken under advisement by the court for its consideration and decision.

*Stipulation.*

United States district court.—June term, holden at Monterey.

| | | |
|---|---|---|
| WM. CAREY JONES<br>*ads.*<br>THE UNITED STATES. | } | For San Luis Rey. |

In the above stated case, it is agreed that the book, or registry, or Tomo de Razon, for 1846, for the registry of land titles, is not to be found in the surveyor general's office, or among the archives of that office, and is not within the control of the claimants.

J. R. GITCHELL, *U. S. dis't att'y.*
V. E. HOWARD, *for claimant.*

Filed in office this 18th June, 1859.

C. SIMS, *Cl'k.*

## 94 MISSIONS.

[Translation.]

### EXHIBIT I.—*Decree relating to the secularization of the missions of California.*

Article 1. The government will proceed to secularize the missions of Upper and Lower California.

Art. 2. In each of said missions shall be established a parish, served by a secular clergyman, with a stipend of from two thousand to two thousand five hundred dollars a year, as the government shall decide.

Art. 3. These parochial curates shall not recover or receive any fees for marriages, baptisms, or under any other name. As regards fees for processions, they shall be entitled to receive such as may be specifically named in the list made out for that object, as concisely as possible, by the reverned bishop of the diocese, and approved by the supreme goverment.

Art. 4. The churches which have served in each mission shall serve as parish churches, with the sacred vases, ornaments, and other articles, which each possesses at present, and such additional furniture belonging to said church as the government may deem necessary for the more decent use of said parish.

Art. 5. The government shall cause to be laid out a *campo santo* for each parish out of the way of the population.

Art. 6. Five hundred dollars a year are appropriated for the service and worship in each parish church.

Art. 7. Of the houses belonging to each mission, the most suitable shall be selected as the residence of the curate, the land ap-
95 propriated to him not to exceed two hundred yards square, and the rest shall be specially devoted to a town-house, primary school, and public establishments and offices.

Art. 8. In order to provide promptly and effectively for the spiritual wants of both the Californias, there is established in the capital of the Upper a vicarship, which shall have jurisdiction over the two territories, and the reverend diocesan shall endow it with the most ample powers.

Art. 9. Three thousand dollars are appropriated as an endowment to this vicarship, the vicar being required to discharge his duties free of charge under any pretext or name, not even for paper.

Art. 10. If, for any cause whatever, the parochial curate of the capital, or any other parish in the district, shall act as vicar, there shall be paid to him one thousand five hundred dollars, besides the stipend of his curacy.

Art. 11. There shall not be introduced any custom which shall require the inhabitants of California to make offerings, however pious they may be, although they may be termed *necessary;* and neither time nor the will of the said inhabitants shall give them any force or weight whatever.

Art. 12. The government shall take effectual care that the reverend diocesan shall contribute, so far as he is concerned, to fulfil the objects of this law.

Art. 13. The supreme government shall provide for the gratuitous transportation, by sea, of the new curates that may be appointed and their families, and besides, may give to each one, for his traveling by land, from four to eight hundred dollars, according to the distance and the number of his family which he brings.

Art. 14. Government shall pay the traveling expenses of the religious missionaries who move; and that they may be accommodated on land as far as their colleges or convents, may give to each from two to three hundred dollars, and, at discretion, so much as may be necessary to such as have not sworn to support the independence, that they may leave the republic.

Art. 15. The supreme government shall pay the expenses arising
under this law, out of the products of the securities, capitals,
90 and rents which are regarded as the pious fund in the missions
of California.

August 17, 1833.

[Translation.]

**Exhibit II.**—*Figueroa's provisional rules for the secularization of the missions.*

Article 1. The governor, agreeable to the spirit of the law of the 17th August, 1833, and to the instructions which he has received from the supreme government, will, with the co-operation of the prelates of the missionary priests, partially convert into pueblos the missions of this territory, beginning in the next month of August, and commencing at first with ten missions and afterwards with the remainder.

Art. 2. The missionary priests will be exonerated from the administration of temporalities, and will only exercise the functions of their ministry in matters appertaining to the spiritual administration, until the formal division of parishes be made, and the supreme government and diocesan provide curates.

Art. 3. The territorial government will reassume the administration of temporalities in the directive part, according to the following bases:

Art. 4. The supreme government will, by the quickest route, be requested to approve of these provisional regulations.

*Distribution of property and lands.*

Art. 5. To every individual head of a family, and to all those above twenty-one years of age, although they have no family, a lot of land, whether irrigable or otherwise, of not exceeding four hunded varas square, nor less than one hundred, shall be given out of the common lands of the missions; and in community a sufficient quantity of land shall be allotted them for watering their cattle. Common lands shall be assigned to each pueblo, and when convenient, municipal lands also.

97 Art. 6. One-half of the self-moving property (cattle) shall be distributed among the said individuals, in a proportionable and equitable manner, at the discretion of the governor, taking as a basis the last accounts of all kinds of cattle presented by the missionaries.

Art. 7. One-half or less of the chattels, instruments, and seeds on hand and indispensable for the cultivation of the ground, shall be divided proportionably among them.

Art. 8. The remainder of all the lands, landed property, cattle, and all other property on hand, will remain under the care and responsibility of the mayordomos, or other officers whom the governor may name, at the disposal of the supreme federal government.

Art. 9. From the common mass of this property the subsistence of the missionary padres, the pay of the mayordomos, and other servants, and the expenses of religious worship, schools, and other objects of policy and ornament, shall be provided.

Art. 10. The governor, having under his charge the direction of temporal affairs, will determine and regulate, according to circumstances, all the expenses necessary to be laid out, as well for the execution of this plan as for the conservation and augmentation of this property.

Art. 11. The missionary minister will select the locality in the mission which may best suit him, for his own habitation, and that of his servants and attendants; and he shall be furnished with the necessary furniture and implements.

Art. 12. The library, sacred dresses, ornaments, and furniture of the church, shall be put in charge of the missionary padre, under the responsibility of the person who acts as subscriber, and whom the priest himself shall elect, and a reasonable salary be given for his troubles.

Art. 13. General inventories shall be made of all property on hand in each mission, with due separation and explanation of the different branches; of the books, debit and credit, and all kinds of papers; of the amount owing by and to the missions; which document and account shall be forwarded to the supreme government.

98 *Political government of the pueblos.*

Art. 14. The political government of the pueblos shall be organized in perfect conformity with the existing laws; the governor will give the necessary instructions to have the ayuntamientos established and elections made.

Art. 15. The economical government of the pueblos shall be under the charge of the ayuntamientos; but, as far as regards the administration of justice in contentious affairs, they will be subject to the primary judges of the nearest towns constitutionally established.

Art. 16. The emancipated Indians will be obliged to assist at the indispensable common labor which, in the opinion of the governor, may be judged necessary for the cultivation of the vineyards, orchards, and cornfields, which, for the present, remain undisposed of until the resolution of the supreme government.

Art. 17. Said emancipated Indians will render to the missionary priest the necessary personal service for the attention of his person.

### *Restrictions.*

Art. 18. They cannot sell, burden, or alienate, under any pretext, the lands which may be given them; neither can they sell their cattle. Whatever contracts may be made against these orders shall be of no value; the government will reclaim the property as belonging to the nation, and the purchasers shall lose their money.

Art. 19. The lands whose owners shall die without heirs, shall revert to the possession of the nation.

### *General orders.*

Art. 20. The governor will name such commissioners as he may see fit to carry this plan and its incidents into effect.

Art. 21. The governor is authorized to resolve any doubt or matter which may arise relative to the execution of these regulations.

Art. 22. Until these regulations be put in force, the reverend missionary padres are prohibited from slaughtering cattle in
99 large quantities, except the common and ordinary number accustomed to be killed for the subsistence of the neophytes, without allowing any waste.

Art. 23. The debts of the mission shall be paid in preference, out of the common mass of the property, at the time and in the manner that the governor shall determine.

That the fulfilment of this law may be perfect the following rules will be observed:

1st. The commissioners, so soon as they shall receive their appointments and orders, shall present themselves at the respective missions and commence the execution of the plan, being governed in all things by its tenor and these regulations. They shall present their credentials respectively to the priests under whose care the mission is, with whom they shall agree, preserving harmony and proper respect.

2d. The priests shall immediately hand over and the commissioners receive the books of accounts and other documents relating to property claims, liquidated and unliquidated; afterwards general inventories shall be made out, in accordance with the 13th article of this regulation, of all property—such as houses, churches, workshops, and other local things—stating what belongs to each shop; that is to say, utensils, furniture, and implements; then, what belongs to the homestead; after which shall follow those of the field; that is to say, property that grows, such as vines and vegetables, with an enumeration of the shrubs, if possible, mills, etc.; after that, the cattle and whatever appertains to them; but as it will be difficult to count them, as well on account of their number as for the want of horses, they shall be estimated by two persons of intelligence and probity, who shall calculate, as nearly as may be, the number of each species to be inserted in the inventory. Everything shall be in regular form in making the inventory, which shall be kept from the knowledge of the priests, and under the charge of the commissioner or steward; but there shall be no change in the order of the work and services, until experience shall show that it is necessary, except in such matters as are commonly changed whenever it suits.

3d. The commissioner, with the steward, shall dispense with all superfluous expense, establishing rigid economy in all things that require reform.

100 4th. Before he takes an inventory of articles belonging to the field, the commissioner will inform the natives, explaining to them, with mildness and patience, that the missions are to be changed into villages, which will only be under the government of the priests so far as relates to spiritual matters; that the lands and property for which each one labors are to belong to himself, and to be maintained and controlled by himself, without depending on any one else; that the houses in which they live are to be their own, for which end they are to submit to what is ordered in these regulations, which are to be explained to them in the best possible manner. The lots will be given to them immediately, to be worked by them as the 5th article of the regulations provides. The commissioner, the priest, and the steward shall choose the location, selecting the best and most convenient to the population, and shall give to each the quantity of ground which he can cultivate, according to his fitness and the size of his family, without exceeding the *maximum* established. Each one shall mark his land in such manner as may be most agreeable to him.

5th. The claims that are liquidated shall be paid from the mass of property; but neither the commissioner nor the steward shall settle them without the express order of the government, which will inform itself on the matter, and, according to its judgment, determine the number of cattle to assign to the neophytes, that it may be done, as heretofore, in conformity with what is provided in the 6th article.

6th. The necessary effects and implements for labor shall be assigned in the quantities expressed by the 7th article, either individually or in common, as the commissioner and priest may agree upon. The seeds will remain undivided, and shall be given to the neophytes in the usual quantities.

7th. What is called the priesthood shall immediately cease; the female children whom they have in charge being handed over to their fathers—explaining to them the care they should take of them, and pointing out their obligations as parents. The same shall be done with the male children.

8th. The commissioner, according to the knowledge and information which he shall acquire, shall name to the government,
101 as soon as possible, one or several individuals, who may appear to him suitable and honorable, as stewards, according to the provisions of the 8th article, either from among those who now serve in the missions, or others; he shall also fix the pay which should be assigned them, according to the labor of each mission.

9th. The settlements which are at a distance from the mission, and consists of more than twenty-five families, and which would desire to form a separate community, shall be gratified; and the appropriation of lands and other property shall be made to them as to the rest. The settlements which do not contain twenty-five families, provided they be permanently settled where they now live, shall form a suburb, and shall be attached to the nearest village.

10th. The commissioner shall state the number of souls which each village contains, in order to designate the number of municipal officers, and cause the elections to be held, in which they will proceed, conforbably, as far as possible, to the law of June 12, 1830.

11th. The commissioners shall adopt all executive measures which the condition of things demands, giving an account to the government, and shall consult upon grave and doubtful matters.

12th. In everythiug that remains, the commissioners, the priests, stewards, and natives, will proceed according to the provisions of the regulation.

**JOSE FIGUEROA.**

AUGUSTIN V. ZAMORANO, *Secretary.*

Monterey, August 9, 1834.

[Translation.]

EXHIBIT III.—*Law of April* 16, 1834, *relating to the secularization of the missions of the republic.*

Article 1. All the missions of the republic shall be secularized.

Art. 2. The missions shall be converted into curacies, the limits of which shall be designated by the governors of the States where the said missions are.

102 Art. 3. This decree shall take effect within four months from the day of its publication.

April 16, 1834.

[Translation.]

EXHIBIT IV.—*Instructions given by the central government to Don Jose M. Hijar in relation to the secularization of the missions and colonization of California.*

Instructions by which Don Jose Maria Hijar, political chief of Upper California and director of the colonization of that and Lower California, is to govern himself.

Article 1. He will cause a beginning to be made in occupying all the property belonging to the missions of both the Californias, and the military commandant under his responsibility will lend, whenever required to do so, the necessary aid for the said occupation.

Art. 2. For the term of a year from the day on which the colonists shall arrive at the place they are to occupy, each one shall be allowed fiftv cents a day, if they be four years beyond the term of their majority, and twenty-five cents if they be of a less age.

Art. 3. The expenses of traveling by sea and land shall be charged to the confederation. All the means of conveyance furnished, or which should be furnished, shall be given to the colonists, in full ownership.

Art. 4. Communities shall be formed by uniting the number of families which are sufficient to live in security, selecting situations that are suitable on account of the quality of the soil, the abundance and salubriousness of the waters, and the favorableness of the winds.

Art. 5. The frontier stations shall be settled at the earliest period practicable.

Art. 6. Topographical plans shall be prepared on which shall be designated and marked the squares of which the settlement is to consist. The length of each side of the square shall be one hundred
yards, and all of its sides shall be equal. The width of the
103 streets shall be twenty yards, and no lanes or alleys shall be
permitted to exist in them. The open spaces shall be divided into ten streets each, besides the great *plaza* which shall be in the centre of the settlement.

Art. 7. Special care will be taken to collect into the villages the natives, mingling them with the other inhabitants, and no community will be permitted to exist composed entirely of them.

Art. 8. In each of the sections of the villages lots will be given to families that they may build houses; but they will not be suffered to build beyond the lines marked out for streets.

Art. 9. Outside of the villages, to each family, will be given, in full proprietorship and control, four portions of land, if it be irrigable, eight if it be temporal, (land dependent upon the seasons,) and sixteen if it be under water. There shall also be given four cows, two yoke of oxen or bulls, two tame horses, four colts, four young mares, four head of the smaller description of stock, two male and two female, besides the number of ploughs usually furnished.

Art. 10. Between every two lots belonging to individuals, there shall be an opening of public equal to two lots.

Art. 11. After the distribution of the movable property of the missions of California, one-half of the remaining property shall be sold in the most advantageous manner.

Art. 12. There shall not be sold to any one family more than two hundred head of cattle of the same kind.

Art. 13. The remaining half of the movable property shall be reserved for the general government, and shall be applied to the expenses and subsistence of the missionaries and the payment of the salaries of the masters of the primary schools, the supplies of necessaries to the children of both sexes in the schools, and the purchase of implements of husbandry, which are to be furnished *gratis* to the colonists.

Art. 14. The political chief and director of colonization shall give at present, and annually hereafter, a detailed account of the products of the property of the missions, of the changes in them, and of the articles that are left, and the distribution of the movable property among the colonists.

104 Art. 15. He shall furnish, at least once in each year, returns of the condition of the colonists, of the causes of losses, if there be any, and the means of making them prosper.

LOMBARDO.

Office of the First Secretary of State,
Department of the Interior, Mexico, April 23, 1834.

[Translation.]

**Exhibit V.**—*Regulations respecting the missions which had been secularized agreeably to the supreme order of 17th August*, 1833.

Extra Session of Nov. 3, 1834.
Territorial Deputation.

1st. In conformity with the 2d article of the law of 17th August, 1833, there is allotted, *ad interim*, to priests who discharge the duties of parochial curates, the sum of one thousand five hundred dollars to such as serve as curates of the first class, and a thousand dollars to those of the second class.

2d. The curacies which are regarded as of the first class are those of the united population of San Diego and San Dieguito, San Luis Rey, Las Flores and the population annexed, San Gabriel and Los Angeles, the two united populations of Santa Barbara, San Carlos and Monterey together, Santa Clara united to San José de Guadalupe and San José, San Francisco Solano, San Rafael and Coloma. Those which are regarded as of the second class are, San Juan Capristrano, San Fernando, San Buenaventura, Santa Ynez and La Purisima, San Luis Obispo, San Miguel, San Antonio, and La Soledad, San Juan Bautista and Santa Cruz, San Francisco de Asis, and El Presidio.

3d. In conformity with the 8th and 9th articles of the law referred to, R. P. commissary prefect, Señor Francisco Garcia Diego, will reside in this capital; and the political chief will request of the reverend diocesan to confer upon the said prelate the powers belonging to said vicarship. His salary will be three thousand dollars a year, as provided by said law.

4th. The vicar and curates will be governed in all other respects by the law of August 17, 1833, already cited.

105 5th. Until the government shall provide parochial curates, the respective prelates will discharge the duties, provisionally, with the consent of the political chief.

6th. In conformity with the 6th article of said law, five hundred dollars a year will be paid for worship and service in each parish.

7th. The salaries of the vicar, curates, and amount for worship, will be paid from the common fund of the suppressed missions. The political chief will give orders that it may take effect.

8th. The 17th article of the provisional regulation of secularization, which required Indians to give personal services to the priests, is of no effect.

9th. In accordance with the 7th article of the said law, the political chief will cause the places for the dwellings of the curates, the town-houses, primary schools, and offices to be ascertained.

10th. The other points to which the superintendence of the Rev. Prelate Fr. Narcisco Duran shall be devoted, as works determined on, are such as are authorized by the political chief as provided by the 21st article of the laws.

11th. This resolution shall be communicated, with the order to the prelates, that they may make it known to those under them.

### *Addition to second article.*

Curacies that embrace two or more villages shall regard the first named as the head, where the officiating curates reside in the suppressed missions of San Diego and Santa Barbara.

[Translation.]

## EXHIBIT VI.—*Laws of the Mexican Congress suspending the execution of the act of August* 17, 1833.

Until the curates shall take possession under the 2d article of the law of August 17, 1833, the government shall suspend the execution of the remaining articles, and keep matters in the condition in which they were before the passage of said law.

MEXICO, *November* 7, 1835.

106 [Translation.]

## EXHIBIT VII.—*Rules and regulations of Governor Alvarado, respecting missions, January* 17, 1839.

The fact of there not having been published in due season a set of regulations, to which the management of the *administradores* of the missions ought to have been subject from the moment the so-called secularization was attempted, having caused evils of great transcendency to this Upper California—as these officers, authorized to dispose without limit of the property under their charge, do not know how to act in regard to their dependence upon the political government—and that of the most excellent departmental junta not being at present in session to consult with, respecting the necessary steps to be taken under such circumstances, since the regulations of said secularization neither could nor can take effect, on account of the positive evils attending the fulfilment thereof, as experience itself has demonstrated—has induced this government, in consideration of the pitiful state in which said establishments at present are, to dictate these provisional regulations, which shall be observed by said administrators, who shall subject themselves to the following articles:

Article 1. All persons who have acted as administrators of missions, will, as soon as possible, present to the government the accounts corresponding to their administration for due inspection, excepting those persons who may have already done so.

Art. 2. The present administrators, who, at the delivery of their predecessors, may have received said documents as belong to the archives, will return them to the parties interested, who, in virtue of the foregoing article will themselves forward them to government, they being solely responsible.

Art. 3. Said officers will likewise remit those belonging to their administration up to the end of December of last year, however long they may have been in office.

Art. 4. Said officers will remit as soon as possible an exact account of the debts owing by and to the missions, which may at different times have been contracted.

107 Art. 5. Under no title or pretext whatever shall they contract debts, whatever may be the object of their inversion, nor make sales of any kind, either to foreign merchants or to private persons of the country, without the previous knowledge of government; for whatever may be done to the contrary shall be null and without effect.

Art. 6. The amounts owed by the establishments to merchants and private persons cannot be paid without an express order from government, to which must likewise be sent an account of all such property of each mission as it has been customary to make such payments with.

Art. 7. Without previous permission from said government, no kind of slaughtering of cattle shall take place, except what is necessary for the maintenance of the Indians, and the ordinary consumption of the house; and even with respect to this the person in charge will take care that, as far as possible, no female animals be killed.

Art. 8. The traffic of mules and horses for woolen manufactures, which has hitherto been carried on, in the establishments, is hereby absolutely prohibited; and in lieu thereof, the person in charge will see that the looms are got into operation, so that the wants of the Indians may thus be supplied.

Art. 9. At the end of each month, they will send to government a statement of the ingress and egress of all kinds of produce that may have been warehoused or distributed, it being understood that the Indians at all times are to be provided for in the customary manner with such productions; to which end the administrators are empowered to furnish them with those which are manufactured in the establishment.

Art. 10. The administrators will in this year proceed to construct a building on account of the establishment, to serve them for a habitation, and they may choose the locality which they may deem most convenient, in order that they may vacate the premises which they now occupy.

Art. 11. They shall not permit any individual of those called *de razon* (white people) to settle themselves in the establishments while the Indians remain in community.

Art. 12. They will at an early period present a census of all the inhabitants, distinguishing their classes and ages, in order to 108 form general statistics; and they will likewise mention those who are emancipated and established on the lands of said establishments.

Art. 13. The establishments of San Carlos, San Juan Bautista, and Sonoma, are not comprehended in the orders of this regulation. The government will regulate them in a different manner; but the administrators, who at different times may have had the management of their property, will be subject to the orders contained in articles one and two.

Art. 14. They will likewise remit an account of all persons employed under them, designating their monthly pay, according to the orders which may have been given, including that of the reverend padres, with the object of regulating them according to the means of each establishment; and these salaries shall not be paid now, nor hereafter, with self-moving property.

Art. 15. The administrators will, under the strictest responsibility, fulfil these orders with the understanding that, in the term of one month, they shall send the information required of them.

Art. 16. Government will continue making regulations respecting everything tending to establish the police to be observed in the establishments, and the manner to be observed in making out the accounts.

Art. 17. For the examination of these accounts, and everything thereto relating, the government will appoint a person with the character of inspector, with a competent salary, to be paid out of the funds of said establishments; and this person will establish his office where the government shall appoint, and have regulations therefor in due time.

[Translation.]

## EXHIBIT VIII.—*Instructions to be observed by W. E. Hartnell in the inspection of the establishments of the missions of Upper California.*

Article 1. It being a matter of the greatest importance that
109 the missions be regulated as intended when I published my
provisional regulations of the 17th of January last, you will methodize the order which you consider best adapted to obtain the monthly information required, and have the annual accounts of the missions kept, and you will instruct the administrators how they shall organize them.

Art. 2. You will, with prudence and foresight, take an exact account of the self-moving property, and all other property on hand, calculating, as near as possible, the number of cattle, if it cannot be exactly got at.

Art. 3. In order to examine and count said cattle, you will take along with you a person of probity and information, who will attend to this business; and you will offer him the compensation which you may deem just for his services while the inspection lasts.

Art. 4. On presenting yourself at each of the establishments you will inform the administrator of the object of your arrival, referring to him or manifesting to him the respective orders, so that there may be no legal pretext for not punctually observing them.

Art. 5. If any of the administrators of the missions should make known to you any palpable wants which in your opinion ought to be immediately remedied, you will take the proper steps to do so, although it may be necessary to dispose of some of the produce on hand in the stores.

Art. 6. Should any of the reverend padres, or other persons employed, make any complaints to you relating to the management of the administrators, you will with due prudence make the decision which you think most just, and use your utmost endeavors to keep up harmony among all classes.

Art. 7. You will exhort the administrators to use all possible economy in the use of provisions, weekly and annual slaughtering of cattle, and crops of all kinds of eatables, in order by all these means to further the progress of these establishments.

Art. 8. You are authorized to regulate the weekly and annual slaughtering which it has been customary to make in the missions, taking into consideration the number of calves, marked (annually) so that the stock of cattle may not diminish.

110 Art. 9. You will likewise recommend the administrators to be affable in their treatment of Indians, and that the punishment they inflict be moderate and proportioned to their state of uncivilization; and that (the administrators) see that frequent divine service agreeably to the education which they have received.

Art. 10. If any of the administrators should disobey the orders of this government and not fulfil them duly, in spite of the good treatment you give them, you will inform the government by a courier, that it may determine what is to be done; and in case that circumstances should require it, you are authorized to suspend such officer for the time that you may consider necessary, and put the mayordomos in charge in the meantime, in order that the labors of your commission be not paralyzed; and you will likewise inform the government, in order that it may determine what may be convenient.

Art. 11. The government expects from your zeal that you will be diligent in your commission, collect all kinds of information, and make the necessary observations for the formation of the police regulations which were promised in those of the 17th, already cited.

ALVARADO.

[Translation.]

**Exhibit IX.**—*Regulations of Governor Alvarado respecting the missions of California, dated March* 1, 1840.

Experience having proved in an undoubted manner that the missions of Upper California, for want of regulations organizing the management of the persons in charge of them, have in a short time suffered reverses and losses of great moment. The many abuses which are found to exist in the administration of the property of said missions, obliged this government to issue the regulation of 17th January, last year; but as it has been found that those have not been sufficient to root out the evils which are experienced, particularly on account of the high salaries with which the establishments are burdened, and which they cannot support; and being desirous to establish economy and a regular administration until the su-
111 preme government determine what it may deem proper, I publish the present regulations, which are to be strictly observed:

Article 1. The situations of administrators in the missions of Upper California are abolished, and in their stead mayordomos are established.

Art. 2. These mayordomos will receive the following salaries: Those of San Diego and San Juan Capistrano, one hundred and eighty dollars; those of Santa Barbara, San Luis Obispo, San Francisco de Asis, and San Rafael, two hundred and forty dollars; those of San Buenaventura, La Purisima, San Miguel, and San Antonio, three hundred dollars; those of San Fernando and Santa Ynez, four hundred dollars; those of San Luis Rey and San Gabriel four hundred and twenty dollars; the one of Santa Clara, four hundred and eighty dollars, and the one of San José, six hundred dollars.

Art. 3. The former administrators may occupy said situations, provided that they be proposed in the manner pointed out by these regulations.

Art. 4. The situation of inspector, and the office established agreeable to the 17th article of the regulations of the 17th January, last year, shall continue, with a salary of three thousand dollars per annum, and his powers will be hereafter designated.

### *Obligations of mayordomos.*

Art. 5. To take care of everything relative to the advancement of the property under their charge, acting in concert with the reverend padres in the difficult cases which may occur.

Art. 6. To compel the Indians to assist in the labors of the community, chastising them moderately for the faults which they may commit.

Art. 7. To see that said Indians observe the best morality in their manners, and oblige them to frequent the church, at the days and hours that have been customary; in which matter the reverend padres will intervene in the manner and form determined in the instructions given by the inspector to the administrators.

Art 8. To remit to the inspector's office a monthly account
112 of the produce they may collect into the storehouses, and an
annexed one of the crops of grain, liquors, etc., and of the
branding of all kinds of cattle.

Art. 9. Said account must be authorized by the reverend padres.

Art. 10. To take care that the reverend padres do not want for their necessary aliment, and furnish them with everything necessary for their personal subsistence, as likewise to vaqueros and servants, which they may request for their domestic service.

Art. 11. To provide the ecclesiastical prelates all the assistance which they may stand in need of, when they make their accustomed visits to the missions through which they pass; and they are obliged, under the strictest responsibility, to receive them in the manner due to their dignity.

Art. 12. In the missions where the said prelates have fixed their residence, they will have the right to call upon the mayordomos at any hour when they may require them: and said mayordomos are required to present themselves to them every day at a certain hour, to know what they require in their ministerial functions.

Art. 13. To furnish the priests of their respective missions all necessary assistance for religious worship; but in order to invest any considerable amount in this object, they will solicit the permission to do so from government, through the medium of the inspector.

Art. 14. To take care that in the distribution of goods received from the respective office to the Indians, the due proportion be observed among the different classes and description of persons; to which end the reverend padres shall be called to be present, and they will approve of the corresponding list of distribution.

Art. 15. To observe all the orders which they receive from the inspector's office, emanating from the government, and to pay religiously all drafts addressed to them by said conduct, and authorized by said government.

Art. 16. They will every three months send to the respective offices a list of the goods and necessaries they may stand in greatest need of, as well for covering the nakedness of the Indians and carrying on the labor of the establishment as to provide for the necessities of the priests and religious worship; so that, comparing these 113 requisitions with the stock on hand, the best possible remedy may be applied.

Art. 17. They will take care to furnish the necessary means of transport and provisions to the military or private persons who may be traveling on the public service; and they will provide said necessaries as well for the beforementioned persons as for the commandants of stations who may ask for assistance for the troops; and send in a monthly account to the inspector, that he may recover the amount from the commissariat.

Art. 18. They will likewise render assistance to all other private individuals who may pass through the establishments, charging them for food and horses an amount proportioned to their means.

Art. 19. They will take care that the servants under them observe the best conduct and morality, as well as others who pass through or remain in the establishments; and in urgent cases they are authorized to take such steps as they may consider best to preserve good order.

Art. 20. They may, without any charge, make use of the provisions produced by the establishments, for their own subsistence and that of their families.

Art. 21. They may employ as many servants as they consider necessary for carrying on the work of the community; but their situations must be filled entirely by natives of the establishments themselves.

Art. 22. Said mayordomos are merely allowed to request the appointment of a clerk to carry on their correspondence with the inspector's office.

Art. 23. After the mayordomos have for one year given proofs of their activity, honesty, and good conduct, in the fulfilment of their obligations, they shall be entitled (in times of little occupation) to have the government allow the Indians to render them some personal services in their private labors; but the consent of the Indians must be previously obtained.

Art. 24. The mayordomos cannot make any purchase of goods from
merchants, nor make any sale of the produce or manufactures of the
establishments, without previous authority from government; second,
dispose of the Indians in any case for the services of private
114 persons, without a positive superior order; third, make any
slaughtering of cattle, except what shall be ordered by the
inspector to take place weekly, extraordinarily, or annually.

*Obligations of the inspectors.*

Art. 25. To make all kinds of mercantile contracts with foreign vessels and private persons of the country for the benefit of the missions.

Art. 26. To provide said establishments with the requisite goods and necessaries mentioned in the lists of the mayordomos, taking into consideration the stock of each establishment.

Art. 27. To draw bills for the payment of the debts contracted by his office, and those already due by the establishments.

Art. 28. He shall be the ordinary conductor of communication between the government and the subaltern officers of said missions, as well as between all other persons who may have to apply to government respecting any business relative to said establishments.

Art. 29. He will pay the salaries of the mayordomos and other servants, take care that they fulfil their obligations, and propose to government, in conjunction with the reverend padres, the individuals whom they may consider best qualified to take charge of the missions.

Art. 30. He will determine the number of cattle to be killed weekly, annually, or on extraordinary occasions.

Art. 31. He will form the interior regulations of his office, and propose to government the subalterns which he may judge necessary for the proper management thereof.

*General orders.*

Art. 32. All merchants and private persons who may have any claims on said missions will, in due time, present to the inspector an account of the amounts due to them, with the respective vouchers, in order that the government may determine the best manner of settling them, as the circumstances of said mission may permit.

115 Art. 33. With respect to the missions of San Carlos, San Juan Bautista, Santa Cruz, La Soledad, and San Francisco Solano, the general government will continue regulating them as circumstances may permit.

Art. 34. Officers and magistrates of all kinds are at liberty to manifest to government the abuses they may observe in those charged with fulfilling these regulations, so that a quick remedy may be applied.

Art. 35. The government, after previously hearing the opinions of the reverend padres, will arrange matters respecting the expenses of religious worship, and the subsistence of said padres, either by fixing a stated amount for both objects, or in some other manner which may be more convenient toward attending to their wants.

Art. 36. All prior regulations and orders conflicting with the present are annulled; and if any doubt occurs respecting their observance, the government will be consulted through the established channel.

Art. 37. During the defect or temporary absence of the mayordomos, the reverend padres will, in the meantime, take charge of the establishments.

[Translation.]

EXHIBIT X.—*Petition made to the supreme government by the most illustrious senor bishop of the Californias, in his communication of the 7th inst., and a private letter of the same date.*

From the time the temporalities they created and augmented with their personal labor and their stipends were taken away from the missionaries, the seculars, and their attendants, and among them some with whom I am acquainted, to whom could not be trusted even a small quantity, entered into the possession of the property of the missions, the destruction of said property in such hands is already understood.

There should exist in the ministry of your excellency, reclamations which I have made upon this subject, and whereupon
116 the general congress passed a law suspending the ordering the secularization of the missions, which, as I conceive up to the present time, has not been carried into effect, probably by just considerations of government.

In the next reclamations I made, in the year 1836, I notified the supreme government of the evils which the missionaries have to contend with, and not the least among them that the administradores of the missions took possession of the houses in which the fathers were living—houses built by the religieuses, and in the construction of which they invested the stipends which they were receiving, and the labor of their hands. They have been compelled, as I myself can bear witness, to live there as so many bankrupts and with great inconvenience.

They keep in the habitation certain people who some nights, by their intoxication, gambling, and dancing, which with shame the neophytes are witnessing, disturb their rest! Verily unsupportable! What a miserable life for a few devoted religieuses, and so much so that many of them have contemplated the abandonment of the missions, and seek the peace and tranquility of their minds in retirement! Tormenting life, that dissuaded many from going to the missions, not to expose themselves to so much suffering and disregard for their character! I do not wish it to be believed from this that I wish the delivery of the temporalities to the religieuses to be carried into effect.

I well know, and have already communicated it to the government, that within a short time there will be nothing of the property of those opulent missions, which the administradores received when the fathers delivered them over. What I desire is, that for the new missions that may be established, some legislation may be taken to prevent the recurrence of such flagrant disorders.

Otherwise, what missionary father is there who may wish to labor to increase the property of the unhappy Indians, if experience teaches him to know that they are to be taken away from their legitimate owners, and delivered to others to enjoy, without having cost them any anxiety or labor? Who is the religieuse that would desire to build a house, or plant an orchard for his recreation and com-
117 fort, if he has seen that they are to be taken away from him,
and are taken possession of by men who before have been supported by alms from the said missionaries, and that the señors unexpectedly move and the unhappy fathers have to live at their own expense?

What I insist on, and will always insist, is that the houses and orchards which they or their predecessors have made, which are contiguous to and in immediate communication with the churches, remain to the benefit and use of the missionaries. The administradores, as they have at their disposition the Indians and property of the missions, can build a house for them, and leave the fathers in peace and quietude. I deem this measure of so great necessity, that if it is not adopted, there will not be any one who will desire to go to serve the missions. From the present time I lay the matter before the supreme government, and if it is a measure so necessary for the missionaries, what shall be said with respect to the bishop? It would be a deplorable thing that meanwhile he erects his house, he should have no place in which to collect his family, or where to put his students and ministers, neither where to commence his seminary.

Therefore, then, I pray the supreme government:

1st. That an order be issued (which I will bear) for the delivery of the houses and orchards of the mission of the missionaries, and that in the interim, that San Diego or that of San Luis Rey may be occupied by the bishop and his attendants, together with the missionary father, until the bishop can build his episcopal house, and the edifice for his seminary.

2d. As it might be anticipated, the administradores refuse the fathers the services of the Indians, and this even when offering them liberal pay. This demands another disposition of the supreme government, in order that I may be furnished servants with equitable and not arbitrary salaries. At the same time. I pray that the lands upon which to buil dmy church, my house, and my seminary may be given me.

3d. The supreme government is well apprised that I have in my bishopric no other clergy besides the Fernandines, Zacatecans, and Dominicans religieuses of the province of Mexico, and if the pre-
118 lates of these orders should deprive us of their subjects I would
not have any one with whom to fill their places for the present.

As I have been informed, the provincial father of Santo Domingo intends or contemplates withholding, from the religieuses his subjscts, the powers which as missionaries in their order they are enjoying; and this measure would tend a great deal to induce the former to leave, and prevent others from going to the missions—and it should extract from the consideration that the sacrifices which they make are unprofitable to them and their religion.

Wherefore I pray the supreme government to notify the rev. provincial father not to make any innovation, and that the missionaries continue as they are until the bishop shall have clergymen to occupy their places, and till they may be able to devote themselves to the triumphant conversions. I also desire the government to commend me to the rev. guardian fathers of Guadalupe, of Zacatecas, and San Fernando, in order that they may supply me with religieuses, and that if any desire to accompany me, it may not be forbidden them.

4th. The supreme government asked the holy Pope, through our messenger to Rome, that I should be permitted to carry to my bishopric, as many clergymen (sacerdotes) as should desire to accompany me, and should meet my approbation without their respective prelates being able to prevent it. This authority did not come among those I have in my possession. I would desire, therefore, that this particular be laid before Señor Montoyo, and that meanwhile the government may be engaged with the parties when any one, whether of the secular or regular clergy shall give notice thereto of his desire to accompany me and I manifest my approbation to government.

5th. As the conversion of the heathen and the propagation of the faith is one of my principal objects, it is indispensable that I have an agency for the accomplishment of my desires. The colleges approved by the republic, except that of Guadalupe and of Zacatecas, are failing, and this is scarcely able to protect the ten missions now under my charge. I therefore believe it to be necessary to permit me to establish a board of missionaries in my bishopric, that these may
119 continue forming new missions or parishes; and I pray the government, through our messenger to Rome, to supplicate the holy Pope that I may proceed, although with but one religieuse, to the foundation in order that the latter may confer habits and professions upon those who may desire to dedicate themselves to the all important conversion of the heathen. Likewise I request that the island called Los Angeles be given for the location of this college, or some other tract of land suitable for the purpose.

6th. The girls, generally, have suffered the want of the education and instruction necessary to make them useful in society. Therefore I desire to establish at the place of my residence a female college, for which I need an adequate tract of land.

7th. By an anomaly which I did not understand, the tithes have been collected in my bishopric on behalf of the civil government of Sonora. These authorities should be prohibited from doing this, so that the faithful may be at liberty to give them, henceforth, to the church, which, although small, will assist in the grand schemes of public beneficence that I have formed.

8th. The government burdened the charitable fund of my church by a loan which it made to Señor Teran of seventy thousand dollars, at the ruinous interest of two per cent. per month. The government obligated itself to pay (as I am informed) upwards of two hundred dollars daily, for the purpose of extinguishing this onerous debt. For a short time it fulfilled this promise, and afterwards it has left it against the fund, which, in order not to lose its threatened capital upon the same conditions of the loan, has been making sacrifices to fund the debt, as well as to pay the monthly interest. Under the circumstances the said fund has become destitute of the *arbitrios* of *given* the stipends to the missionaries, whose drafts are funding, and unable to render me any assistance in the expenditures which I should make to proceed to my diocese, which, as your excellency is well aware, are great. It is, therefore, just that I ask the government to provide some means to settle the debt of Señor Teran immediately, in order that the fund may remain unembarrassed.

120 I neglected to mention in my communication that I desire to locate my edifices, or rather to form a settlement on a rancho situate in front of San Diego, as well for the conveniences thereof for water and wood, as for not being littoral and exposed to the invasions of any pirate. Moreover, its climate is very good. If the government should desire to have a military force there, it would be of the greatest importance to the communication with Sonora, because it would repress the Indians from the Rio Colorado, and it would also be very important in any attempt to subdue these miserable beings, and to their temporal and spiritual happiness. I am persuaded that the communication with the interior of our republic by this means would be facilitated, and the government would have more frequent intelligence from this department.

(Signed) F. FRANCO,
*Obispo de California.*

**[ Translation. ]**

## EXHIBIT XI.

MINISTRY OF THE INTERIOR.

MOST ILLUSTRIOUS SIR: Having placed the communication of your most illustrious worship, of the 17th inst., before his excellency, the president, and having examined everything set forth therein, in order that you may fulfil your responsible duties as bishop of California, he has been pleased to decree in conformity with everything asked in the said communication, and also that which you solicited in a separate letter of the same date, to the extent of the prerogatives of his excellency, and in conformity with the decree of the general congress of Nov. 7, 1835, which provided that the missions remain in the state in which they existed prior to the law of August 17, 1833, for which purpose an order is issued from this ministry to his excellency, the governor of California, to restore, without delay, by means of the subaltern authorities, to the missionary fathers, the possessions and property which were under their administration for the conversion of the heathen.

121 In contestation, I communicate to your most illustrious worship.

God and liberty. Mexico, November 17, 1840.

(Signed) MARIN.

MOST ILLUSTRIOUS SENOR, BISHOP OF THE CALIFORNIAS: At the solicitation of the señor bishop of California, I hereby certify that the signature affixed to this document, is that of the minister of the interior at the said date, Señor Marin, according to other official documents that I have seen from said person.

San Francisco, December 20, 1851.

[L. S.] (Signed) SCHLEIDEN,
*Mexican vice-consul for San Francisco.*

**Vice-consulate of the Mexican republic in San Francisco.**

I, George Fisher, secretary of the U. S. land commissioners to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of "Exhibit No. II, P. L., annexed to the deposition of Josė Miguel Gomez, Dec. 29, 1854," Joseph S. Allemany *vs.* The United States, now on file in this office.

In testimony whereof I have signed my name, at office, at the city of San Francisco, California, this 27th March, 1855.

GEO. FISHER, *Secretary.*

[Translation.]

## EXHIBIT XII.

*November* 7, 1840.

His excellency, the president, has been pleased to decree, in conformity with everything the reverend bishop of the Californias has petitioned in this communication, to the full extent of his authority, and in conformity with the decree of congress of the 7th November, 1835, which ordered the missions to be restored to their former condition; for which purpose, a general order shall be issued to 122 the señor governor of the Californias, for the restoration, by means of subaltern authorities, without delay or impediment, of the possessions and property used by them under their administration for the conversion of the heathen to the missionary fathers, and this and all other orders issued in attention to the petition of the reverend bishop, shall be placed in the hands of his grace, for his greater success; and another order shall be delivered to him for the governor, to render him assistance in whatever may pertain to the establishment of the bishopric. And so far as respects the lands, whether they now are or have been in the possession of the missions, let an *oficio* issue to the board of directors of the bank for the purpose of conferring with his grace, so far as it may be consistent with his well known charity, upon whatever may facilitate his petitions, and he will manifest the amount of the deficiency of the *arbitrios* of the bank to the government, that it may initiate into the legislative power, or that it may be disposed of as by law provided, and let the reverend bishop be replied to by this decree.

A copy. Mexico, Nov. 21, 1840.

S. YTURBES.

Mexico, October 8, 1852. Conformable.
(Signed) JOSÈ MARIA DURAN.

I, the first clerk of the department of relations, certify the foregoing to be the authentic signature of Señor Don José Maria Duran, first clerk of the department of justice.

(Signed) I. MIGUEL ARROYO.

[Translation.]

### EXHIBIT XIII.—*Instructions and powers of Micheltoreno.*

Under date of the 11th of February, 1842, the minister of war says what follows:

MOST EXCELLENT SIR: His excellency, the president *ad interim*, 123 being desirous that the department of California should take advantage of all the resources which it possesses, for its prosperity for placing itself in a state of defence, and for acquiring that happiness which nature itself invites her to take possession of; and bearing in mind the disturbances which have taken place in the country, and which, on account of the distance, the national government has not been able to avoid; the situation in which Y. E. will be placed, and the measures which you will have to adopt, and which will produce the desired effect, if you wait for the proper time to put them into execution, for there are matters which do not admit of the least delay, and in the persuasion that Y. E. will not abuse your powers, but that you will exercise them for the welfare and the service of all the inhabitants of that interesting and fertile department which the supreme government has placed under your charge and responsibility, he (the president) has been pleased to grant to the Y. E. over and above the attributions assigned to you by the existing laws and regulations, as governor, commandant-general and inspector, all the powers which the supreme government can confer upon you, in order that by virtue thereof you may remove from office all such civil and military officers dependent on said government who shall not fulfil their duties, or act up to the confidence reposed in them by the same, and fill their situations by appointing worthy citizens who shall take their places and enter upon their duties; but with the understanding, nevertheless, you report to government the motives of your proceedings for its approbation. The views of the supreme magistrate do not only refer to Upper California but extend likewise to Lower California, where certain seditious movements have appeared, which being fomented by hidden enemies it has caused some foreigners to take part, when their very quality of foreigners prohibits them from intermeddling in domestic strife; and, as the president is resolved to protect the troops, authorities, and citizens of said peninsula, he has determined that your military command shall likewise extend to Lower California, as well as the civil command, separating it from Sinaloa; and the commandant-general of the department of Sonora and Sinaloa, will continue to furnish you with the resources and assistance 124 which you may require for the purpose of securing peace, furnishing the troops, providing for the wants of the citizens, and enabling you to provide for the prosperity and happiness of the whole department. Although the 1st article of the law of 2d of February, 1839, derogated the articles of that of the 18th of February of the same year, which subjected the subordination of the staff of the army, and the 13th article of the first mentioned decree merely leaves the commandant-general of the east and west with the former attributions of inspector which they possessed in the companies of presidios; his excellency, the president, has determined that your powers shall extend as inspector to the permanent battalion of California, and that you take charge of all the mechanism thereof, and report to the staff of the army.

You will become acquainted with the good or bad management of the maritime custom-house of both Californias; you will have to examine the situation of all the missions, with respect to their management, improvement, and state of accounts; you will have to proceed to the inspection and reorganization of the companies of presidios, and in all cases, (were you not to act,) the evil would have to remain until government could resolve.

The supreme government, trusting in your justice and activity, desires that you should meet with no obstacles, and therefore the powers conferred upon you are made extensive to those branches, and to all others which may conduce to the welfare of the country, including many others, the administration of the post office department, colonization, the establishment of presidios, the improvement of ports, the safety of towns, the civilization of wild Indians, the education of youth, the opening of the roads, the furtherance of the arts, the protection of agriculture and commerce, the establishment of houses of correction, and the establishment of towns.

You know the views of the supreme government, and are well aware that, being a friend to improvement, it merely desires the union of Mexicans, and that the community in general may enjoy the protection of the laws, be obedient to their authorities, understand
that it is our duty to procure the welfare of every one and avoid
125 that all others be injured. I therefore will not detain myself
by recommending you to propagate these principles, and will
merely mention, that when the supreme magistrate dictated his instructions he wished to manifest to you his esteem, and the importance of the command he has confided to you, and to assure the inhabitants of California that the present administration desires their happiness, disavows all apathy, and is ready to impart to that department all the resources which it may desire, and be able to furnish it.

I communicate this to Y. E. for your satisfaction.

God and liberty! Mexico, 11th, February, 1842.

**TORNEL.**

To Gen. Don Manuel Micheltorena.

I certify that the foregoing copy is the same as the one that was copied from the original, when I was in charge of the governor's secretaryship.

(Signed) **MAMUEL JIMENO.**

Monterey, *July 6th*, 1850.

[Translation.]

## EXHIBIT XIV.—*Proclamation of Governor Micheltorena concerning missions.*

Manuel Micheltorena, general of brigade of the republic, adjutant-general of the Plana Mayor, governor of the same, commanding general and inspector of both Californias.

It being one of the ample or complete instructions or orders, with which is invested the undersigned general and governor, viz: to examine into the situation of all the missions in his government at the present moment, their prospects and resources, in order to regulate them, and the supreme national government having transmitted all its powers, according to the supreme order made February 11, 1842.

On deliberation, and with the assent of the most reverend fathers, Fray, José Joaquin Jimeno, Fray, José Ma. de Jesus Gonzalez Rubio, who have been made personally to appear before the government, as presidents of other missions, as well as in the name of, and to represent the most reverend father, presidential vicar, the absent Fray, Narciso Duran, being fully impressed with and having well reflected upon all things requisite. 126

That the vast and immense landed property formerly belonging to the mission had been scattered or partitioned out to individuals, which, at the epoch it was done, was caused by the exigencies of the country;

That the pious and charitable institutions of social order for the conversion of the savages to Catholicism and to agricultural and peaceful life, are reduced to the huertas and enclosures of the churches and buildings;

That most reverend ecclesiastics have no support but charity, and that the divine religion not prospering, barely sustains itself;

That the Indians, naturally lazy, from additional labor, scarcity of nourishment, and a state of nudity, having no fixed employment or appointed mission, prefer to keep out of the way and die impenitent in desert woods, to escape a life of slavery, filled with all privations, and without the social joys;

That this continued emigration of the natives from the service of individuals to that of missions, and from that of the missions to that of individuals or to the woods, retards more and more agriculture, and frightens off, instead of drawing together, the Gentiles from without the pale of our holy religion;

That, in the administration of the missions, there have been committed some frauds and notorious extravagance, which every inhabitant of California laments;

That, as there is no other method of reanimating the skeleton of a giant, like the remains of the ancient missions, without falling back upon experience and fortifying it with the levers of civil and ecclesiastical power;

Now, everything well considered and naturally reflected upon, I have determined to decree the following articles:

No. 1. The government departmental decrees to be "delivered up or restored" to the most rev. fathers (who shall name the ecclesiastics to be placed respectively in charge) the missions of—

127 San Diego,
San Luis Rey,
Jan Fernando,
Santa Barbara,
San Antonia,
Jan Jose,
San Juan Capistrano,
San Gabriel,
San Buena Ventura,
Santa Cruz,
La Purisima,
Santa Clara.

Which shall continue for the future to be governed by the most rev. fathers (they taking charge of the natives) in the same manner as they were before.

No. 2. The government considers what has been done to this date as irrevocable; the missions can reclaim none of the lands granted prior to this date; and in reclaiming the cattle, chattels, and instruments of agriculture loaned by the rev. fathers, curators, or superintendents, they shall grant sufficient time and arrange with the debtors or holders amicably.

No. 3. They shall likewise take care to collect the scattered neophytes or converts: first, those lawfully exempted by the supreme departmental government; second, those who at the date of this decree are provided for by individuals; it being, however, understood that if any of both classes wish and prefer to return to their respective missions, they shall be admitted and received, with cognizance of the masters and the most rev. missionaries.

No. 4. The departmental government, in whose possession up to this day have been the missions, in virtue of the most ample powers with which it is invested, and referring to the aforesaid considerations, authorizes the most rev. fathers to apply the products of the missions to the necessary expenditures of the reduction, food, clothing, and other temporal wants of the Indians; and they shall likewise take from the same fund their own support, for the salary of the mayordomo, and for the support of the divine religion, under the condition that they shall remain obligated by their word of honor and conscience to deliver to the treasury, upon notice to the rev. fathers of this government, and the express order in writing, of the undersigned governor, commanding general, and inspector of relief, sustenance, and clothing of the troops and observances of the civil employees, the *eighth part* of the whole annual produce of every kind, keeping for the guidance of its ecclesiastics a true and exact account
128 at the end of the year of the number of their converts, possessions, real and personal, and of every description of produce, or its corresponding value, which may belong to such mission.

No. 5. The departmental government, which glories in religion as well as the whole of California, and in the same manner being interested as well as all and every one of the inhabitants of both Californias in the advancement of the holy catholic faith and in the prosperity of the country, "dedicates itself," (or places at the disposition of "all its power,") in aid of the missions, and in quality of general commanding the power of its arm to protect and defend and sustain them, and in the possession and preservation of all the lands they may hold from this day, they shall be the same as the possessions and guarantees enjoyed by private persons, binding itself to make no new grants without the information of the respective authorities of the most rev. ministers, notorious non-occupation, non-cultivation nor necessity.

Dated 29th day of March, 1843.

MANUEL MICHELT'NA.

**Francisco Arce**, *Secretary.*

[Translation.]

## Exhibit XV.—*Act of departmental assembly.*

**In Extra Session,**
***August* 24, 1844.**

The report of the committee on landed property and war, instructed to point out the means of which the government might avail itself to defray the expenses of the war with which the country is threatened by a foreign nation—in which report are five articles in relation to the missions of Upper California, as the only available resources under existing circumstances—having been taken under consideration, the five articles named were debated *seriatim*, and unanimously approved, it being decided that the original of the
129 report referred to should be recorded among the acts of the
present session, a copy thereof being given to the governor of the department for his information, to be published when he should deem proper, in order to prevent abuses in these matters.

Most excellent assembly:

The special committee appointed to report with regard to the means which are presented in the communication of the governor of the department of the 12th inst., for the subsistence of the auxiliary forces raised by him in consequence of the probability of a war between our nation and the United States of the North, states that it has considered the subject with the greatest attention, and that in weighing its reflections it has not been able to decide; but, taking into view the critical situation of the country, threatened with the loss of her rights and liberty, and looking to the exhausted condition of the national treasury and the necessity of finding out means of security and defence, the only safe course pointed out by the committee to reduce the demands upon the government for that object is to have recourse to the missions, as well because they are going to ruin, being entirely out of employment, as because they should be regarded as the property of the nation, after providing suitably for their respective neophytes. It presents for your deliberation the following articles:

1. The superior government of the department may expose to sale, hypothecate, or lease the property, chattels, and cultivated lands of the missions of Upper California, including the extent from

San Diego to Sonoma, and dispose of them to defray the expenses of the war, their respective legal debts being first paid out of the price they may bring.

2. The mission of Santa Barbara, which shall exist as an episcopal palace, its neophytes being taken care of; that of Santa Ynez, as a college of instruction in the higher branches of study for the youths of California; and whatever else the government shall reserve for the national crops necessary for the subsistence of the troops shall be excepted.

3. The government shall fix the time, manner, and form, in which the said sale, hypothecation, or leasing, is to be effected, and 130 shall order a prudent division of such of the movable property as is most useful among the neophytes, respectively, giving them lands.

4. The government shall have power to except entirely the debts which some private individuals owe to the said missions, and dispose of them for the same object as the rest, of which the first article speaks.

5. The missions, when sold, shall hold thereafter the character of villages; and those which are hypothecated or rented, if they be occupied by the government as departmental property—it being provided in the regulation which is made that what is proper—shall be set apart for its support, the emoluments of the right reverend fathers, proper public worship, and the spiritual aid of the villages.

DAVID SPENCE.
PIO PICO.
NARCISCO BOLELLO.

Monterey, Aug. 24, 1844.

[Translation.]

**Exhibit XVI.**—*Act of departmental assembly*, 21st *April*, 1845.

Pio Pico, senior vocal of the honorable assembly, and governor *ad interim* of the department of the Californias.

To the inhabitants: Know ye. that the excellent departmental assembly has convened and decreed the following:

1. The government, with the least delay, will demand exact information of all the persons having charge of the missions, in order that they may give it truthfully, of active and passive debts, showing the resources they have to pay the passive ones.

2. The government, from the publication of the present decree, will suspend, until a convenient time, the granting of the lands immediately contiguous to the missions, considering that some of them are indispensable, or reserved and appropriated under the class of common lands.

3. Likewise, the government will suspend hereafter the giving to the civilized Indians any free letter, until some decisive meas- 131 ures may be taken upon the footing on which the missions must remain.

4. The government will direct the information to the rev. father prefects, in order through them, that these prefects may direct to the reverend fathers in whose charge are the missions, in order that they may restrain any sale of the useful movables of the establishments under their charge; likewise such other things as are necessary to them. Let it be understood by the governor of the department that he will dispose, that it will be complied with, published, and circulated.

Hall of Sessions of the honorable assembly of California, April 21, 1845. PIO PICO, *President.*

AUGUSTIN OLVERA, *Secretary.*

In order that it may come to the notice of every person, I order that its publication and circulation in the towns under my jurisdiction, posting it in the accustomed places.

Given in the city of Los Angeles, capital of the department, on the 21st of April, 1845. PIO PICO.

JUAN BANDINI, *Secretary.*

[Translation.]

EXHIBIT XVII.—*Decree of the departmental assembly of May* 28, 1845, *respecting the renting of some of the missions, and converting others into pueblos, &c.*

Article 1. The departmental government shall call together the Indians of the missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by them, by means of a proclamation, which it will publish, allowing them the term of one month from the day of its publication in their respective missions, or in those nearest to them, for them to reunite for the purpose of occupying and cultivating them; and they are informed that, if they fail to do so, said missions will be declared to be without owners,
132 *(mostrencas,)* and the assembly and departmental government will dispose of them as may best suit the general good of the department.

Art. 2. The Carmelo, San Juan Bautista, San Juan Capistrano, and San Francisco Solano shall be considered as pueblos, which is the character they have at present; and the government, after separating a sufficient locality for the curate's house, for churches, and appurtenances, and court house, will proceed to sell the remaining premises at public auction in order to pay their respective debts; and the overplus, should there be any, shall remain for the benefit and preservation of divine worship.

Art. 3. The remainder of the missions as far as San Diego, inclusive, may be rented out at the option of the government, which will establish the manner and form of carrying this into execution, taking care in so doing that the establishments move prosperously onward. These respective Indians will consequently remain in absolute liberty to occupy themselves as they may see fit, either in the employment of the renter himself, or in the cultivation of their own lands which the government will necessarily designate for them, or in the employ of any other private person.

Art. 4. The principal edifice of the mission of Santa Barbara is excepted from the renting mentioned in the foregoing article; and the government will arrange in the most suitable manner, which part thereof shall be destined for the habitation and other conveniences of his grace the bishop and his suite, and which for the reverend missionary padres who at present inhabit said principal edifice. And likewise one-half of its total rent of the other property of the mission shall be invested for the benefit of the church, and for the maintenance of its minister, and the other half for the benefit of its respective Indians.

Art. 5. The products of the rents, mentioned in article 3, shall be divided into three parts, and the government shall destine one of them for the maintenance of the reverend padre minister, and the conservation of divine worship; another for the Indians; and the last shall necessarily be dedicated by government towards education and public beneficence, as soon as the legal debts of each mission be paid.

133 Art. 6. The third part mentioned in the 5th article as destined for the maintenance of the priests and help towards divine worship, shall be placed at the disposal of the reverend prelates, for them to form a general fund, to be distributed equitably in the before-mentioned objects.

Art. 7. The authorities or ecclesiastical ministers, should there be any in the missions referred to in article 1, or those in the nearest missions, or persons who may merit the confidence of government, will be requested by said government to see that the proclamation above-mentioned be published, and to give information immediately whether the said neophytes have presented themselves or not, within the period fixed, in order that, in view of such documents, the necessary measures may be taken.

Art. 8. Government will, in the strictest manner, exact the amount owing by various persons to all the missions in general, as already ordered by the most excellent assembly, in its decree of the 24th August, 1844, and dispose of the same for the object mentioned in the last part of the 5th article.

[Translation.]

## Exhibit XVIII.—*Act of departmental assembly, 28th Oct., 1845.*

### *Of alienation.*

Article 1. There will be sold in this capital, to the highest bidder, the missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by their neophytes.

Art. 2. Of the existing premises of the pueblos of San Luis Obispo, Carmelo, San Juan Bautista, and San Juan Capistrano, and which formerly belonged to the missions, there shall be separated the churches and appurtenances; one part for the curate's house, another for a court-house, and a place for a school, and the remainder of said edifice shall be sold at public auction, where an account of them will be given.

Art. 3. In the same manner will be sold the property on
134 hand belonging to the missions—such as grain, produce, or mercantile goods—giving the preference for the same amount to the renters, and deducting previously that part of said property destined for the food and clothing of the reverend padre minister and the neophytes until the harvest of next year.

Art. 4. The public sale of the missions of San Luis Obispo, Purisima, and San Juan Capistrano shall take place on the first four days of the month of December next, notice being previously posted up in the towns of the department inviting bidders, and three publications being made in the capital at intervals of eight days one from the other before the sale. In the same manner will be sold what belongs to San Rafael, Dolores, San Juan Bautista, Carmelo, and San Miguel on the 23d and 24th of January, next year.

Art. 5. From the date of the publication of these regulations, proposals will be admitted in this capital to be made to government, which will take them into consideration.

Art. 6. The total proceeds of these sales shall be paid into the departmental treasury, to pay therewith the debts of said missions; and should anything remain, it will be placed at the disposal of the respective prelate for the maintenance of religious worship, agreeably to article 2 of the decree of the departmental assembly.

### *Of renting.*

Art. 7. The missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Ynez, shall be rented out to the highest bidder for the term of nine years.

Art. 8. To this end bidders shall be convoked in all the departments, by fixing advertisements in the town, in order that by the 5th December next they may appear in this capital, either personally or by their legal agents.

Art. 9. Three publications shall be made in this capital, at intervals of eight days each, before the day appointed for the renting, and proposals will be admitted on the terms expressed in article 5.

Art. 10. There shall be included in said renting all the lands, outdoor property, implements of agriculture, vineyards, orchards,
135 workshops, and whatever according to the inventories made, belongs to the respective missions, with the mere exception of those small portions of land which have always been occupied by some of the Indians of the missions.

Art. 11. The buildings are likewise included, excepting the churches and their appurtenances, the part destined for the curate's house, the court-house, and place for a school. In the mission of Santa Barbara no part of the principal edifice shall be included which is destined for the habitation of his grace the bishop and suit, and the reverend padres who inhabit it; and there shall be merely placed at the disposal of the renter, the cellars, movables and workshops, which are not applied to the service of said prelates.

Art. 12. As the proceeds of the rent are to be divided into three parts, to be distributed according to article 5 of said decree, the renter may himself deliver to the respective padre, prefect, or to the person whom he may appoint, the third part destined for the maintenance of the minister and the religious worship; and only in the mission of Santa Barbara, the half of said rent money shall be paid for the same object, in conformity with the 4th article of the decree of the departmental assembly.

Art. 13. The government reserves to itself the right of taking care that the establishments prosper; in virtue of which it will prevent their destruction, ruin, or decline, should it be necessary, during the period of renting.

Art. 14. The renting of the missions of San Diego, San Luis Rey, San Gabriel, San Antonio, Santa Clara, and San José shall take place when the difficulties shall be got over which at present exist with respect to the debts of those establishments, and then the government will inform the public; and all shall be done agreeably to these regulations.

*Advantages and obligations of the renters.*

Art. 15. The renters shall have the benefit of the usufruct of everything delivered to them on rent according to these regulations.

Art. 16. The obligations of the renters are: 1st. To pay promptly
and quarterly when due the amount of rent. 2d. To deliver
136 back, with improvements, at the expiration of the nine years,
whatever they may receive on rent, with the exception of the
stills, movables, and implements of agriculture, which must be returned in a serviceable state. 3d. They shall return at the same time the number of cattle which they receive, and of the same description, and of such an age as not to embarrass the procreation of the following year. 4th. They shall give bonds to the satisfaction of government before they receive the establishments, conditioned for the fulfilment of the obligations of the renters, one of which is the payment of the damages which the government may be obliged to find against them, agreeably to article 13.

*Of the Indians.*

Art. 17. The Indians are free from their neophytism, and may establish themselves in their missions, or wherever they choose. They are not obliged to serve the renters, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

Art. 18. The Indians radicated in each mission shall appoint from among themselves, on the first of January in each year, four overseers, who will watch and take care of the preservation of public order, and be subject to the justice of the peace to be named by government in each mission, agreeably to the decree of 4th July last. If the overseers do not perform their duty well they shall be replaced by others, to be appointed by the justice of the peace, with previous permission from government, who will remain in office for the remainder of the year in which they were appointed.

Art. 19. The overseers shall appoint every month, from among the best of the Indians, a sacristan, a cook, a tortilla-maker, a vaquero, and two washerwomen, for the service of the padre minister, and no one shall be hindered from remaining in this service as long as he choose. In the mission of Santa Barbara, the overseers will appoint an Indian, to the satisfaction of the priest, to take care daily of the reservoir and water conduits that lead to the principal edifice, and he shall receive a compensation of four dollars per month out of the rent belonging to the Indians.

137 Art. 20. The Indians who possess portions of land in which they have their gardens and houses, will apply to this government for the respective title, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, but they shall be hereditary among their relatives, according to the order established by the laws.

Art. 21. From the said Indian population three boys shall be chosen as pages for the priest, and to assist in the ceremonies of the church.

Art. 22. The musicians and singers who may establish themselves in the missions shall be exempt from the burdens mentioned in article 18, but they shall lend their services in the churches, at the masses, and the *funciones* which may occur.

### *Of the justices of the peace.*

Art. 23. The justices of the peace shall put in execution the orders communicated to them by the nearest superior authority; they will take care that veneration and respect be paid to matters appertaining to our religion and its ministers, and that the 18th and 20th articles, inclusive of these regulations, be punctually fulfilled; they will see that no one be hindered in the free use of his property; they will quiet the little disturbances that may occur, and, if necessary, impose light and moderate correction; and if the occurrence should be of such a nature as to belong to the cognizance of other authorities, they will remit to such authorities the criminals and antecedents.

[Translation.]

### EXHIBIT XIX.—*Act of the departmental assembly of the 30th of March 1846, respecting missions.*

Article 1. The government is authorized to carry into effect the object of the decree of the 28th of May last, published by this honorable assembly, respecting missions; to which end, seeing the

138 impracticability of renting, mentioned in article 3 of said decree the departmental government will act in the manner which

may appear most conducive to obviate the total ruin of the missions of of San Gabriel, San Luis Rey, San Diego, and the remainder which are in similar circumstances.

Art. 2. As most of these establishments are owning large amounts, if the property on hand should not be sufficient to satisfy their acknowledged debts, attention shall be had to what the laws determine respecting bankruptcies, and steps shall be taken accordingly.

Art. 3. Should government, by virtue of this authority, find that in order to prevent the total ruin which threatens said missions, it will be necessary to sell them to private persons; this shall be done at public auction, the customary notice being previously given.

Art. 4. In case of sale if, after the debts be paid, and surplus should remain, this shall be divided among the Indians of the premises sold, government taking care to make the most just distribution possible.

Art. 5. In any case care must be taken to secure a sufficient amount for the maintenance of the padres and the expenses of public worship, the government being at liberty to separate a part of the whole establishments, whether in lands for cultivation, landed or other property, at its discretion, which will be sufficient to secure both objects, the respective priest being previously heard and attended to.

Art. 6. The premises set apart according to the foregoing article, shall be delivered as a sale at perpetual interest of four per cent.; and the proceeds shall be applied precisely to the objects mentioned in said article 5.

Art. 7. What has hitherto been done agreeably to what was ordained in the decree of the honorable assembly of 28th May before cited, remains in full force; and these presents shall in no manner alter the contracts made and measures taken by government in accordance with said decree of May, 1845; nor shall they in future put any obstacle in the way of what may be done in accordance thereto.

Art. 8. The government will remove any obstacles not foreseen in this decree; and in six months, at furthest, will notify this honorable assembly of the result of its fulfilment.

139 [Translation.]

## Exhibit XX.—*Act of the departmental assembly of the* 31*st October*, 1846, *annulling the sale of missions and other acts of Don Pio Pico.*

The citizen José Maria Flores, captain of cavalry in the Mexican army, governor and commandant-general *ad interim* of this department to its inhabitants.

Know ye, that the honorable departmental assembly in an extraordinary session of yesterday has decreed the following:

The most excellent departmental assembly, taking into consideration the urgent necessity of providing resources for carrying on the war against the invading forces of the United States of North

America, and finding that the only way of obtaining them in a sure and prompt manner is to solicit a loan, has, in this day's session, found it expedient to decree the following, viz.:

1. The sales of missions made by Don Pio Pico, as governor, as well as all other acts done by him on the same subject, beyond his authority, are entirely annulled.

2. His excellency, the governor *ad interim*, is authorized to solicit a loan of such amount as he may consider necessary for the object indicated, it being stipulated that, in accomplishing this act in the most equitable and just manner, he may mortgage one or more of the missions for the corresponding security.

3. These establishments shall continue with the character of being rented and in possession of the renters who shall have fulfilled the conditions stipulated in the proclamation upon that subject.

4. The missions which exist under the circumstances of the preceding article shall suffer no alteration until the term of their lease shall expire, even should they be of those mortgaged; and, with respect to the others, the government will take care that the regulations formerly given on the subject be duly complied with.

140 His excellency, the governor *ad interim*, will be acquainted herewith, for his government and further ends.

Hall of Sessions of the honorable assembly of California, in the city of Los Angeles, October 30, 1846.

FRANCISCO FIGUEROA, *President.*
AUGUSTIN OLVERA, *Deputy sec'y.*
JOSE MARIA FLORES.

[Original.]

## EXHIBIT XXI.

MINISTERIO DE INDUSTRIA E
INSTRUCCION PUBLICA.

E. S.: Ha llegado à noticia del E. S. Presi'te que el Gobierno de ese Departam'to ha dispuesto sacar à pública subasta todos los bienes pertenecientes à las misiones del Mismo, que el antecesor de V. E. habia mandado devolver à los repectivos Misioneros para el manejo y Administracion de sus temporalidades; en consequencia, se ha servido prevenirme que ese Gobierno se sirva informar sobre estos particulares, suspendiendo desde luego todo procedim'to en cuanto à enagenacion de los bienes de que se trata, hasta la resolucion del Supremo Gobierno.

Tengo el honor de darle a V. E. con los fines indicados, protestandole mi consideracion y aprecio.

Dios y Libertad. Mexico, Noviembre 14, de 1845.

MONTESDEOCA.

**E. S. Gobernador del Dep'to de
Californias, Puerto de Monterey.**

[Translation.]

## EXHIBIT XXI.

MINISTRY OF INDUSTRY AND
PUBLIC INSTRUCTION.

MOST EXCELLENT SIR: His excellency, the president, has received
information that the government of that department has ordered
141 that the property belonging to the missions thereof be put up
for sale at public auction, which Y. E.'s predecessor had ordered
to be returned to the respective missionaries for the direction and administration of their temporalities; therefore, he has deemed proper for me to say that the said government will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforesaid property till the determination of the supreme government.

I have the honor to communicate it to your excellency for the purposes indicated, protesting to you my consideration and esteem.

God and liberty. Mexico, Nov. 14, 1845.

(Signed) MONTESDEOCA.

To his excellency, the governor of the department
of the Californias, port of Monterey.

[Original.]

## EXHIBIT XXII.

*Pio Pico, Gobernador Constitucional del Departam'to de Californias:*

A sus habitantes, sabed: que por el Ministerio de Relaciones Exteriores Gobernacion, y Policia, se me ha dirijido el decreto que sigue:

"MINISTERIO DE RELACIONES
EXTERIORES, GOBERNACION, Y POLICIA.

R. y. P. el dia 19
y R. á los Juzgados
1o. y 2o.

El Ex'mo S'r Presidente interino de la Republica, se ha servido dirigirme el decreto que sigue:

'*Mariano Paredes y Arrillaga, General de Division y Presidente interino de la Republica Mexicana:*

A los habitantes de ella, sabed—Que considerando que por el estado en que se encuentra la Patria amagada de una guerra extrangera, é invadida una grande y preciosa parte de su territorio, es llegado el casco de obrar con la mayor actividad y energia para repeler la mas
injusta de las agresiones, recuperar el territorio usurpado, y
142 conservar el lustre y decoro de la Nacion; y teniendo presente
que para lograr tan grandiosos objetos, es de absoluta necesidad afianzar el órden y la paz interior; usando de las facultades que me concede la cuarta de las adiciones hechas en esta Capital en 2 de Enero del presente Año al plan proclamado en S. Luis Potosí, he tenido à bien decretar lo siguente:

Art. 1o. El Gobierno nombrará los Gobernadores de los Departamentos sin sujetarse á propuesta de las Asambleas, por hallarse la

nacion en las circunstancias extraordinarias de que habla el final de la facultad 17ª. del Art. 134 de las Bases orgânicas.

2o. En los Departamentos en donde por oposicion al actual órden de cosas se hallen disueltas las Asembleas, los Gobernadores respectivos nombrarán con aprobacion del Supremo Gobierno las personas que estimen à propósito para formarlas, por no ser justo ni conveniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

3o. Con igual objecto se faculta à los Gobernadores para organizar los Ayuntamientos en los puntos donde estuvieren disueltos.

4o. Se recuerda à los Gobernadores de los Departamentos, para su puntual observancia, la circular de 24 Diciembre del año próximo pasado, en que se les transmitió la ampliacion de facultades concedidas al Ejecutivo por el decreto del Congreso, fecha 21 del mismo, conforme al Art. 198 de las Bases Orgànicas.

5o. Se faculta à los Gobernadores de los Departamentos, para que en casos extraordinarios obren espediamente, y con la debida justificacion, para salvar los grandes intereses de la independencia é integridad del territorio nacional, y para asegurar la tranquilidad y el órden publico, sin los cusales no pueden sostenerse aquellos inestimables bienes.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

Palacio Nacional de Mexico, 13 de Marzo de 1846.

MARIANO PAREDES Y ARRILLAGA.

A. D. Joaquin Maria y Castillo y Lanzas.'

143 Y lo comunico à V. para su inteligencia y fines consiguientes. Dios y Libertad. Mexico, 13 de Marzo de 1846.

CASTILLO LANZAS.

E. S'r Gobernador del Dep'to de Californias."

Y para que llegue à noticia de todos, mando se publique por bando, en todos los Pueblos del Departamento, se circule à quienes corresponda, y se fije en los parages públicos acostumbrados.

Dado en el Puerto de Sta. Barbara, á 4 de Julio de 1846.

PIO PICO.

Jose Matias Mareno, *Srio.*

[Translation.]

## Exhibit XXII.

*Pio Pico, constitutional governor of the department of the Californias:*

To the inhabitants thereof: Know ye, that the following decree has been directed to me by the minister of foreign relations, government, and police:

"Ministry of Foreign Relations,
Government, and Police.

**Received and published on the 19th of the month and transmitted to the 1st and 2d judicatures.**

His excellency, the president *ad interim* of the republic, has been pleased to direct me the following decree:

'*Mariano Paredes y Arillaga, general of division and president ad interim of the Mexican Republic:*

To the inhabitants thereof. Know ye :

That, on account of the actual state of the country, threatened with a foreign war, and a large and important part of its territory invaded, considering that the time has arrived to act with *of* the greatest activity and energy, to repel the most unjust aggressions, to recover the usurped territory, and to preserve the glory and honor of the nation; and convinced that, for the accomplishment of objects so grand, it is necessary to secure order and peace within; in the exercise of the powers vested in me by the 4th of the additions 144 made in this capital on the 2d of January of the present year to the plan proclaimed in San Luis Potosi, I have thought proper to decree the following :

1st. The government shall appoint the governors of the departments, irrespective of those proposed by the assemblies, in consequence of the nation being placed in the extraordinary circumstances to which the last clause of the 17th power of the 134th article of the organic law refers.

2d. In those departments where, in consequence of opposition to the present state of things, the assemblies are dissolved, the respective governors, with the approval of the supreme government, shall appoint such persons as they may deem competent to compose them, it not being just or convenient that the department suffer the want of the important services which those bodies should render them.

3d. For a similar purpose the governors are authorized to organize the ayuntamientos wherever they may have been dissolved.

4th. The attention of the governors of the departments is called to the circular of the 24th December of last year past for the punctual observance thereof, wherein is conferred upon them the extension of the powers granted to the executive by the decree of Congress, dated the 21st of the same month, in conformity with the 198th article of the organic law.

5th. The governors of the departments are authorized to act expeditiously in extraordinary cases, and with due justification to preserve the great interests of the independence and the integrity of the national domain, and to secure tranquillity and public order, without which these inestimable blessings cannot be sustained.

Therefore, I command that it be printed, published, circulated, and that the due obedience thereunto be rendered.

National Palace, Mexico, March 13th, 1846.

(Signed) MARIANO PAREDES Y ARRILAGA.

To Don Joaquin Maria Castillo y Lanzas.

And I communicate the same to you for your information and consequent purposes. God and liberty.

(Signed) CASTILLO LANZAS.

To his excellency the Governor of the Californias.

145 And in order that it may come to the notice of all, I order it to be published by proclamation in all the pueblos of the department, that it be circulated to those to whom it belongs, and that it be posted up in the usual public places

Given at the port of Santa Barbara, July 4, 1846.

(Signed) **PIO PICO.**

(Signed) JOSE MATIAS MORENA, *Secretary.*

[Original.]

## EXHIBIT XXIII.

SESION DEL DIA 30 *de Marzo de* 1846.

Aprobada la acta del dia 23 de Marzo, se le dió lectura al dictamen de la comision de Misiones haciendo algunas observaciones, en su parte expositivas, relativas al proyecto de decreto presentado por el Señor Bandini en la sesion anterior que trata de Misiones concluyendo la comision con la peticion siguiente: Pide que se ponga á discusion el proyecto del Señor Bandini en los mismos terminos que está concebido, protestando el presidente de dicha comision, que no puede dar su voto en favor por no ser conforme con su modo de pensar, y pedido por el Señor Figueroa se le dispense la segunda lecturo, admitido; y entendido el voto particular del Señor Argüello que dice; no conveniendome con el segundo párrafo de la parte expositiva sujeto mi voto particular á la discusion, á lá que se puso la proposicion mencionada del Señor Bandini la cual concluye con los articulos siguientes.

1o. Se autoriza al Gobierno para que haga efectivo el objeto del decreto de 28 de Mayo del año po. po. expedido por esta Honorable Asamblea relativo á Misiones: y á cuyo fin en lo impracticable del arriendo prevenido en el arto. 3o. de dicho decreto, el Gobierno del Departamento obrará del modo que crea ser mas conveniente para evitar la ruina total de las Misiones de San Gabriel, San Luis Rey, San Diego y las demas que se halan en iguales circunstancias. Sin discusion fue aprobado.

2o. Como los demas de dichos establecimientos tienen grandes creditos en su contra, si sus existencias no fuesen suficientes á cubrir sus deudas calificadas, se tendra, presente lo que dis-
146 ponen las leyes con respecto á quiebras y se procederá conforme á ellas. Sin discusion fue aprobado.

3o. Si de la autorizacion del Gobierno resultare que este, para evitar la total destruccion á que caminan las dichas misiones, determinase la venta de ellas á particulares, te verificará á remate publico precediendo los avisos acostumbrados. Sin discusion fue aprobado.

4o. En el caso de venta, despues de satisfechas las deudas, si hubiese sobrante, se repartirá, á los indios de la comunidad de la finca vendida, valiendose el Gobierno del modo que sea mas compatible á la justa distribucion. Sin discusion quidó aprobado.

5o. En todo caso siempre se tendrá presente asegurar lo necesario á la subsistencia de los padres ministros, y gastos para la conservacion del culto divino, pudiendo el gobierno determinar una parte del total fincas, ya consista en tierras de labor, bienes raices, u otras que á juicio del gobierno, oyendo y atendiendo à los religiosos respectivos, aseguren ambos objectos. Sin discusion fue aprobado.

6o. Las fincas que se determinen conforme al precedente arto. seran entregadas. como en venta à censo perpetuo, al cuatro por ciento. Este producto previamente serà aplicable a lo que previene el mismo articulo 5o. Sin discusion fue aprobadà.

7o. Queda en todo su valor y fuerza lo practicado hasta ahora, segun lo dispuso el decreto de la honorable assemblea de 28 de Mayo citado, y el presente en nada alterarà los contratos y disposiciones tomados por el gobierno con arreglo al propio decreto de Mayo 1845, ni para lo sucesivo impedirá lo que se pueda practicar conforme à él. Sin discusion fue aprobado.

8o. El gobierno salvarà los inconvenientes que no se hayan podido prever, por el presente decreto; y à lo mas dentro de seis meses mientras dure su ejecucion, darà cuenta à esta honorable assemblea de los resultados en su cumplimiento. Sin discusion fue aprobado.

Y no habiendo otra cosa de que ocuparse por hoy, se levantó la sesion, à que no asistieron los Señores Abrego, por hallarse infermo; Botello, por tenor licencia; y Noriega ausente en comision del gobierno departamental. Entre renglones "dure" vale.

PIO PICO,
*Presdte.*

AUGUSTIN OLVERA, *S'rio.*

[Translation.]

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## EXHIBIT XXIII.

SESSION OF 30*th of March*, 1846.

The record of 23d of March having been approved, the report of the committee on missions was read. They made several remarks in connection therewith, touching the plan of a decree presented by Señor Bandini in the preceding session in regard to the missions, and concluded with the motion that the plan presented by said Bandini be fully discussed on the basis in which it was presented. The chairman of said committee, protesting that he cannot vote for it, as it does not meet his views. It was then moved, by Señor Figueroa, that the second reading of the aforementioned report of said committee on missions be dispensed with; which was approved. Señor Arguello then said that, not agreeing with the matters expressed in the second paragraph of the report, he gave notice that his vote would be withheld until after discussion of the whole subject, and thereupon moved that the proposition mentioned by Señor Bandini, which concluded with the following articles, be so discussed:

1st. The executive of this department is hereby authorized to carry into effect the objects of the decree of 28th of May of last year, passed by this honorable assembly, relating to missions—that, where it is impracticable to rent them, as provided in article 3 of said last mentioned decree, said executive shall proceed in what it believed to be the most efficient manner to obviate the total ruin of the missions of San Gabriel, San Luis Rey, and San Diego, as well as all others that were in the same situation. Approved without discussion.

2d. As the other remaining establishments are largely indebted, if the present amount of property belonging to the same should be insufficient to liquidate all the qualified debts thereof, then proceedings shall be had in conformity with law concerning insolvents. Approved without discussion.

148 3d. If, by the authority hereby conferred, the governor, in order to prevent the total destruction to which said missions are tending, should determine to sell them to private individuals, it shall be done at public auction, giving the usual notice thereof. Without discussion, approved.

4th. In case of sale, after the debts have been satisfied, should there be any surplus remaining therefrom, it shall be divided among the Indians of the establishments so sold, the executive having the right to prescribe the manner in which the distribution shall be made, most compatible with justice. Approved without discussion.

5th. In all cases, it shall be necessary to secure the subsistence of the reverend fathers and the expenses of divine worship, for which the executive shall be empowered to set apart a portion from the property for that purpose, either in arable lands, other real estate, or property of any other kind, which in his opinion, after hearing and consulting with the respective priests, may best secure both objects. Approved without discussion.

6th. The establishments that may be disposed of agreeably to the preceding article shall be delivered as sold, subject to a perpetual contribution of four per cent. This income shall be preferably applicable to the uses referred to in the same article 5th. Approved without discussion.

7th. Whatever has been done up to this time remains in full force and vigor, as provided by the decree of the honorable assembly of the 28th of May aforesaid, and the present decree shall in no manner alter any contracts or arrangements made by the executive in conformity with said decree of 28 May, 1845, nor shall it hereafter prevent in any manner anything that may be done in conformity thereto. Without discussion, approved.

8th. The executive will reserve the right to obviate all inconveniences that may arise within the present decree which cannot now be foreseen, and within six months after sales he shall report to this honorable assembly the results touching this decree. Without discussion, approved.

There being no other matter to occupy the honorable assembly this day, it thereupon adjourned. There being absent Señor 149 Abrego, for sickness, Señor Botello, excused, and Señor Noriega, absent on business of the government.

PIO PICO, *President.*

AGUSTIN OLVERA, *Secretary.*

[Original.]

## EXHIBIT XXIV.

SESION DEL DIA 8 *de Abril*, 1846.

Aprobada la acta del dia —— se dió cuenta con una comunicacion oficial del Señor Vocal, Don José Abrego, como contestacion á la que

con fecha, 6 de Mzo., se le pasó por la corporacion, á cuya contestacion accompaña un certificado de dos facultativos, por el que acredita hallarse enfermo de una relajacion, y le impide montar à caballo, y de consiguiente separarse del punto donde reside por tener que ponerse en cura. La Exma. Asamblea q consideró por justa la imposibilidad del Señor Abrego para el desempeño de las obligaciones que la ley le impone como diputado, acordó en consecuencia que por tales razones quedaba exonerado de la concurrencia à las sesiones, y con tal motivo entrase à cubrir la falta el primer suplente.

En seguida se dio cuenta——

[Translation.]

## EXHIBIT XXIV.

SESSION OF *8th of April*, 1846.

Approved the record of —— day of ——. Noted the official communication of Señor Abrego, a member of this hon. body, in answer to one sent from the same, under date of March 6th, which is accompanied with the certificates of two competent persons, wherein he states that he is unwell, so much so as to be unable to mount a horse, and in consequence of such sickness was obliged to be removed from his residence to another locality, for the purpose of being
150 cured. The excellent assembly justly considered the impossibility of Señor Abrego to fulfil the obligations imposed on him by law as a deputy, and agree that in consequence of and for reason of the same he should be excused from attending the sessions thereof, and that his place be filled in the meantime by the first alternate, which was referred for after action.

Afterwards was taken up for consideration——

[Original.]

## EXHIBIT XXV.

SESION DEL DIA, 15 *de April, de* 1846.

Leida y aprobada la acta del dia 30 de Marzo po. po., se dio cuenta con el nombramiento que, para Gobernador Constitucional de este Departamento, hizo el Exmo. Sor. Presidente de la Republica, en la persona del Exmo. Sor. Don Pio Pico à virtud de la propuesta que elevó la corporacion en 27 de Junio anterior. Quedó impuesto el Honorable Cuerpo de la Suprema determinacion, y à consecuencia de haber manifestado El Exmo. Sor. que preside hallarse apto para prestar el juramento de la ley, y que por tanto se le señalase el dia que le habia de hacer, hubo lugar à una detenida discusion con motivo de que no habia numero suficiente de individuos en la Asamblea ante quien debe verificarse tal acto, y resultó por conclusion, considerando ser urgente el asunto, que se admitiese la siguiente proposicion que hizo el Sor. Bandini :

"Mientras se cumple el termino de las licencias que se les ha concedido por este Honorable Cuerpo à dos de sus vocales, le llamarà al suplente que esté mas inmediato à esta Capital, siempre para que haya numero competente."

Puesto à discusion y estandolo suficientemente, se aprob à unanimidad.

Se dio cuenta igualmente con lo siguiente, una comunicacion oficial del Ministerio de Relaciones, fecha 14 de Noviembre ultimo, dirigida al Gobierno Departamental en la que por disposicion superior, se le pide informe sobre lo que haya determinado con respecto à
151 Misiones, que se sabe han sido puestos à publica subasta los
bienes de ellas que se habian entregado à los Padres para el manejo de temporalidades, y que entre tanto se dé dicho informe, se suspenda todo procedimiento en cuanto à enagenacion de los bienes referidos.

Se acordó por la corporacion que siendo esta nota directa al Gobierno del Departamento, se le devolviese para que manifestàra su sentir y entonces pudiera atenderse el asunto.

Con el Soberano decreto de sies de Agosto que señala la asignacion de rentas à los departamentos. Enterado.

Con una circular de Ministro de Relaciones, fecha 21 de Octubre pasado, relativa à que se organize la fuerza de policià que debe haber en cada poblacion, y està determinada por las bases organicas, teniendo la Asamblea facultad por el articulo 134, en su parte 19a. de decretar la que debe haber en el Departamento y reglamentar su servicio conforme à la parte citada. Se mando pasar à la comision de Policia.

Con un oficio de la Comandancia-General de este departamento, fechado en Monterey, à 17 de Marzo, en el que se adjunta una proclama à que se dio igualmente lectura, dirigida à los habitantes à consecuencia de los acontecimientos habidos por los puntos del norte con el Capitan de los Estados Unidos, Don J. C. Fremont, conteniendo dicho oficio un pàrrafo por el cual se advierte que la Comandancia-General previene que no habiendo pasado el Exmo. Sor. Gobernador à hacer la vista à aquellos lugares como ha solicitado para que à ella se hubiera unido à fin de operar, va à proceder conforme à las ordenes supremas que tiene à la vista, para impedir las miras de los aventureros que se introducen por aquella frontera. Enterada la corporacion, usó de la palabra el Sor. Bandini, y pronunció un discurso por el cual repugnaba los procedimientos del Sor. Comandante-General, poniendo en claro el uso abusivo que hace de su autoridad esta persona, sin miramiento alguno ni atencion al respecto obligatorio que le imponen las leyes, y concluyó proponiendo que el Gobierno le conteste, con decoro al mismo tiempo que con la arrocancia y energia que demanda un hecho tan escandaloso como el que se ha consumado. Y no habiendo otro asunto mas que tratar, se levantó la sesion.

PIO PICO, *Presidente.*

AUGUSTIN OLVERA, *Secretario.*

152 [Translation.]

## Exhibit XXV.

Session of 15*th of April*, 1846.

Read and approved the record of March 30th, last past.

The subject of the appointment of constitutional governor of this department by his excellency, the president of the republic, conferred on his excellency, Don Pio Pico, approving the action of this body which elevated him to that station, on the 27th of June last, was taken up for consideration. The supreme determination now being known to this honorable body, and his excellency presiding having given notice that he is ready to take the oath of office, and having appointed the day for so doing, a long discussion took place in consequence of there not being a sufficient number of members in the assembly before whom such an action has to be verified, and considering the urgency of the case, the following proposition was submitted by Señor Bandini :

"That until the termination of the leave of absence granted by this honorable body to two of its members, the nearest alternates to this capital shall be summoned, to make the number complete ;" which being fully discussed and sufficiently understood, was unanimously approved.

The official communication of the minister of relations, under date of November 14th, last past, directed to the executive of this department, was acted upon, in which the minister asks for information, concerning what had been determined or done in respect to the missions; that information had been received that the property belonging to them, which had been delivered to the priests for the management of their temporalities, had been put up at public auction and sold, and that until such information as asked for could be given, to suspend all proceedings relating to the alienation of the aforesaid property. Whereupon it was considered that its being a note addressed directly to the executive of this department, that before any action be had upon it by this body, it be referred back to him for an expression of his opinion thereon.

The sovereign decree of the 6th of August, determining the
153 distribution of the public revenue among the departments was
also taken up; duly considered, and filed.

A circular from the minister of relations was next considered, under date of October 21st, last past, relative to the organization of a police force in every village of the departments, as required by the organic bases; the assembly deriving authority from clause 19, art. 134, to determine by law how large a force is necessary for the department and to regulate its duties agreeably to said clause. Referred to committee on police.

The reading an official despatch from the commandancy-general of this department, dated at Monterey, March 17th, to which was subjoined a proclamation, also read, addressed to the inhabitants, setting forth what had taken place at the north with Capt. J. C. Frémont, of

the United States. Said despatch also contained a paragraph stating that as his excellency, the governor, had not visited the principal points at the north, as solicited by the commandant-general for the purpose of co-operating together, that he will proceed in conformity with general orders at hand and frustrate the views of those adventurers that enter the country by that frontier; which, having been heard by this body, Señor Bandini delivered a speech condemning the proceeding of the commandant-general, showing clearly the abusive manner in which he had made use of his authority, being without any regard or attention to the obligations the laws impose upon him, and recommended the executive should answer him respectfully, but with the dignity and energy which so scandalous an act as he had committed demanded. And there being nothing else before the session, it therefore adjourned.

PIO PICO, *President.*

AGUSTIN OLVERA, *Secretary.*

[Original.]

## EXHIBIT XXVI.—*Mission de San Juan Capistrano.*

El dia cuatro de Diciembre de 1845, el Gobierno puso en venta publica y al mejor postor, la parte del edificio principal de la
154 Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de tres huertas de arboles frutales, y viña, y de los muebles de la pertenencia de dicha Mision, con excepcion de lo perteneciente al templo, y resultaron compradores los Señores D'n Juan Forster y Don Santiago Mackinley, mediante la cantidad de Setecientos diez pesos que pagarân el 10 de Agosto de 1846, al Gobierno Departamental y â los acreedores â la expresada Mision que este les señale.

En 6 de Diciembre se les libr el titulo de propiedad.

Pio Pico, Local Decano de la Asemblea Departamental y Gobernador Provisional de las Californias:

{ Gobierno del Dep'to
[EAGLE.]
De Californias. }

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta capital, en publica subasta y al mejor postor, la venta de la parte del edificio principal de la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de las tres huertas de arboles frutales y viña, y de los muebles de la pertenencia de dicha Mision con excepcion de lo perteneciente al templo, resultaron compradores de todo lo mencionado los Señores Dn. Juan Forster y Dn. Santiago Mackinley, por haber sído los últimos y mejores postores en la oferta que hicieron de setecientos diez pesos.

En consecuencia y en uso de las facultades que me confirió la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del pre-

sente año, y de conformidad con el reglamento de 28 de Octubre último
pasado, declaro por las presentes letras que los mencionados Dn. Juan
Forster y Dn. Santiago Mackinley son dueños legalmente de la parte
del edificio, de las tres huertas y muebles de la Mision de San Juan
Capistrano que les fueron vendidos, mediante la cantidad de setecien-
tos diez pesos, que pagaràn en moneda corriente ó en cueros y sebos
á precio de plata, el diez de Agosto del año mil ocho cientos cuaranta
y seis, al Gobierno Departamental ó à los acreedo res à la ex-
155 presada Mision que le sean designados por este, pudiendo
desde ahora, y en virtud de este despacho, tomor la posesion
judicial de la finca, huertas, y muebles mencionados, que les darà el
Juez respectivo.

Por tanto mando que teniendose el presente por titulo firme y valedero, se toma razon de él en el libro de asientos sobre adjudicacion de terrenos, y se entregue à los interesados para so resguardo y demas fines.

Dado en la ciudad de Los Angeles, en este papel comun por falta del sellado, á seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo.

COVARRUBIAS.

[Translation.]

### EXHIBIT XXVI.—*Mission of San Juan Capistrano.*

On the fourth day of December, 1845, the government put up at public sale, and to the highest bidder, that part of the principal building of the mission of San Juan Capistrano which remains after the separation of the church, the rectory, town house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said mission, excepting what belongs to the temple; and the purchasers proved to be Messrs. Juan Forster and Santiago Mackinley, by means of the consideration of seven hundred and ten dollars, which they are to pay on the 10th of August, 1846, to the departmental government or to the creditors of said mission, which the latter may designate to them.

On the 6th of December of the same year there was issued to them a title of ownership.

156 Pio Pico, senior member of the departmental assembly and provisional governor of the Californias:

By virtue of having, on the fourth day of this month in this capital at public auction and to the highest bidder, effected a sale of the part of the principal building of the mission of San Juan Capistrano, which remains after the separation of the church, rectory, town-house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said mission except

what belongs to the temple; the purchasers of all the foregoing proved to be Juan Forster and Santiago Mackinley, as having been the last and highest bidders in the offer they made of seven hundred and ten dollars.

In consequence whereof, and in exercise of the power vested in me by the excellent departmental assembly in its resolution relative hereto on the fourth of July, this year, and in conformity with the regulations of 28th of October, last past, I declare by the present letters patent that the said Juan Forster and Santiago Mackinley, are lawful owners of the part of the building, of the three orchards and the movable property of the mission of San Juan Capistrano, which was sold to them by means of the consideration of seven hundred and ten dollars, which they are to pay in current money or in hides and tallow, at cash prices, on the 10th of August, in the year 1846, to the departmental government, or to the creditors of said mission, who may be designated by said government; being enabled from this day, and by virtue of this document, to take the judicial possession of the building, orchards, and movable property aforesaid, which the respective magistrate will give them.

Wherefore I order that these presents, being held as a firm and valid title-deed, it be entered in the book of registry of adjudication of lands and delivered to the interested parties for their security and other purposes.

Given in the city of Los Angeles, on this common paper for want of stamped, on the 6th of December, in the year 1845.

PIO PICO.

JOSE MA. COVARRUBIAS, *Sec'y.*

Note of this superior title is taken in the respective book.

COVARRUBIAS.

157 [Original.]

## EXHIBIT XXVII.—*La Purisima.*

Pio Pico Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes, en esta Capital en publica subasta y al mejor postor, la venta del edificio principal de la Mision de la Purisima, de las dos viñas de Jalama, tierras y muebles de la pertenencia de esta Mision con excepcion de lo perteneciente al templo ó iglesia, resultó comprador de todo lo mencionado, el Sor. Don Juan Temple por haber sido el ultimo y mejor postor en la oferta que hizo de mil ciento diez pesos.

En consecuencia y en uso de las facultades que me confirió la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras que el mencionado Dn. Juan Temple es dueño legalmente del edificio de la Mision de la Purisima, de las dos viñas, tierras y muebles que le fueron

vendidos, mediante la cantidad de mil ciento diez pesos en moneda corriente ó en cueros y sebos, à precio de plata, que pagarà el 10 de Agosto del año de 1846, al Gobierno Departamental, ó a los acreedores de la expresada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca, viñas tierras y muebles mencionados que le dará el juez respectivo.

Por tanto mando, que teniendose el presente por titulo firme y valedero se tome razon de él en el libro de asientos sobre adjudicacion de terrenos, y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de Los Angeles, en este papel comun por falta absoluta dell sellado, a seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut spra.*

COVARRUBIAS.

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158 Gobierno del Dep.
[EAGLE.]
De Californias.

Sirvase Vd. mandar pagar al Señor A. B. Thompson, ó á su orden, la cantidad de pesos tres cientos setenta y seis con seis reales, (376 ps. 6 rs.,) del valor ocasionado por la venta de la Mision de la Purisima cuya cantidad deducirá Vd. de la mayor que tiene que entregar, recabando del interesado el respectivo recibo para su resguardo.

Angeles à 16 de Mayo de 1846.

PIO PICO.

Sor. Don Juan Temple,
del comercio en esta Capital.

Recibí la arriba expresada cantidad, Angeles, Mayo 18 de 1846.

A. B. THOMPSON.

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Gobierno del Depto.
[EAGLE.]
De Californias.

Recibí del Señor Don Juan Temple la cantidad de doscientos pesos metalicos (200 ps.) por cuenta de mayor cantidad que debe entregar à este Gobierno por la compra que hizo de la Mision de la Purisima, y para su resguardo le doy este en la ciudad de Los Angeles a 1o. de Junio de 1846. PIO PICO.

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DON JOSE NORIEGA:

Sirvase V. pagar á Don Pio Pico, Gobernador de este Departamento, la cantidad de quinientos treinta-tres pesos, dos reales, (533 ps. 2 rs.,) en metalico, cobrando un recibo en que se expresa que con

esta cantidad ya está satisfecha la cantidad de mil ciento y diez pesos, (1,110 ps.,) en que fue rematada la Purisima con sus tierras, &c.

Angeles, Junio 15 de 1846.

JUAN TEMPLE.

159 Gobierno del Dep.
[EAGLE.]
de Californias.

Recibi Santa Barbara, Junio 22 de 1846.

PICO.

[Translation.]

### EXHIBIT XXVII.—*La Purisima.*

Pio Pico, senior member of the departmental assembly, and provisional governor of the Californias:

By virtue of their having been effected on the fourth of the current month, in this capital, at public auction and to the highest bidder, the sale of the principal edifice of the mission of La Purisima, of the two vineyards of Jalama, lands and movables or chattels belonging to this mission, with the exception of what belongs to the temple or church, Mr. John Temple became the purchaser of all the abovementioned, being the last and highest bidder in the offer which he made of one thousand one hundred and ten dollars.

In consequence and in exercise of the powers which the most excellent departmental assembly conferred upon me in their decree of the 4th of July of the present year, and in conformity with the regulations of the 28th of October last past, I declare by the present letters that the above mentioned Mr. John Temple is lawfully owner of the edifice of the mission of La Purisima, of the two vineyards, lands and chattels, that were sold to him, in the sum of one thousand one hundred and ten dollars in current money, or in hides and tallow at their cash price, which he will pay the 10th of August of the year 1846, to the departmental government, or to the creditors of the abovementioned mission, who will be designated to him by this government; being able from this moment, by virtue of this title, to take judicial possession of the edifice, vineyards, land, and chattels mentioned, which will be given by the proper judge.

160 Therefore, I command that, taking the present for a firm and valid title, an entry be taken of it in the book of registry of adjudication upon lands, and be delivered to the person interested, for his security and other ends.

Given in this city of Los Angeles, on this common paper, for absolute want of sealed paper, on this sixth day of December, A. D. 1845.

PIO PICO.

JOSE MA. COVARRUBIAS,
*Secretary.*

[REC. CCCX, D. T. 1861.]—7.

Note has been taken of this title in the respective book. Angeles, date as above.

COVARRUBIAS.

*A translated copy of a draft of Pio Pico against Mr. John Temple.*

Governor of dep.
[EAGLE.]
of the Californias.

Please pay to Mr. A. B. Thompson, or his order, the sum of three hundred and seventy-six dollars and seventy-five cents, ($376 75,) out of the value arising from the sale of the mission of La Purisima; which sum you will deduct from the greater which you have to deliver, receiving from the party interested a proper receipt for your security.

PIO PICO.

Angeles, 16 May, A. D. 1846.

Mr. John Temple, of the commerce of this capital.

Received the above-mentioned sum. Angeles, May 18, A. D. 1846.

A. B. THOMPSON.

*A translated copy of a receipt of Gov. Pio Pico to Mr. John Temple.*

Governor of dep.
[EAGLE.]
of the Californias.

Received of Mr. John Temple the sum of two hundred dollars, ($200,) coined money, on account of a larger sum which 161 he is obligated to deliver to this government for the purchase which he made of the mission of La Purisima; and for his security I give him this, in the city of Los Angeles, on the 1st June, A. D. 1846.

PIO PICO.

*A translated copy of John Temple's draft against Don Jose Noriega in fovor of Pio Pico.*

**Don Jose Noriega:**

Please pay to Don Pio Pico, governor of this department, the sum of five hundred and thirty-three dollars, twenty-five cents, in coined money, taking a receipt wherein it states that, with this amount, the sum of one thousand one hundred and ten dollars, ($1,110,) for which La Purisima, its lands, etc., were sold, is paid.

JOHN TEMPLE.

Angeles, June 15, A. D. 1846.

Governor of dept.
[SEAL.]
of the Californias.

Received, Santa Barbara, June 22, 1846.

PICO.

[Original.]

### EXHIBIT XXVIII.—*San Luis Obispo.*

Pio Pico, vocal decano de la exma. asamblea departamental y gobernador provisional de las Californias:

Gobierno del depto.
[EAGLE.]
de Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes
en esta capital, en publica subasta, y al mejor postor, la
162 venta de la parte del edificio principal de la Mision de San
Luis Obispo q. resulta sobrante despues de la separacion de
casa cural, consistorial, de escuela y carcel, resultaron compradores, de la expresada parte de edificio los Señores Scott y Wilson, y Don Santiago Mackinley, por haber sido los ultimos y mejores postores en la oferta q. hicieron de quinientos diez pesos y haber satisfecho esta cantidad en moneda corriente al Gobierno Departamental.

En consecuencia y en uso de las facultades q. me confirió la Exma. Asamblea Departamental en su acuerdo relativo del 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras q. los mencionados Señores Scott y Wilson y Don Santiago Mackinlay son dueños legalmente y de mancomun de todas las piezas q. correspondan à la parte del edificio de la Mision de San Luis Obispo que les fué vendida, cuyo numero y dimenciones constaràn en la posesion judicial que por orden especial de esta fecha deberà darles el Alcalde primero de San Luis Obispo, y à mas, de todos los corrales cercados de picdra que fueron del servicio de la referida Mision y no pertenezcan a ningun particular.

Por tanto, mando, que teniendose el presente por titulo firme y valdero, se tome razon de él en el libro de asientos de adjudicaciones de terrenos baldios, y se entregue a los intersados para su resgardo y demas fines.

Dado en la ciudad de Los Angeles, à seis de Diciembre de mil ochocientos cuarenta y cinco, en papel comun por no haber del sellado.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

*Sor. Juez de Paez:*

San Luis Obispo, Junio 22, de 1846.

De conformida con lo pedido p'a e Lunes 23 del corriente se la dará a interesado la posesion juridica q. solicita.

Yo el Juez de Paz de esta dimarcacion asi lo decreté y firmé.

PICO.

Juan Wilson, vecino del partido de Sta. Barbara, para sí y à nombre de los Señores Don Diego Scott y Don Santiago Mackinley, comparece y diciendo: 163 q. en virtud de haber comprado al Gobierno Departamental, la parte del edificio pral. de este punto, como lo manifesta el titulo q. acompaño, solicito V. á bien darme la posesion jurídica con arreglo al espresado titulo.

Por tanto A. V. Suplico acceda à mi favor en lo que recibiré gracia que juro, &c., dispensando el papel comum, por falta de sellado.

San Luis Obispo, Junio 22 de 1846.

JUAN WILSON.

En el pueblo de San Luis Obispo, à los veinte y dos dias del mes de Junio del año de mil y ochocientos cuarenta y seis, siendo presente Don Juan Wilson, se le hizo saber el auto ante nos, y dijo le oye, y es conforme y lo asenté por diligencia; de q. doy fé con dos testigos de asistencia pr. falta de Escribano.

J. DE JESUS PICO.

Asa.: JOSE GARCIA.
VICTOR LINARES.

En el pueblo de San Luis Obispo, a los veinte y tres dias del mes de Junio del año de mil y ochocientos cuarenta y seis. Yo el Juez de Paz acompañado de los de asistencia hice medir un cordel con objeto de proceder a las medidas de las fincas del edificio principal de este pueblo, y al efecto se midió un cordel de diez varas Castellanas y en sus extremos se atacaron dos estacas. Y pa. su constancia lo puse por diligencia que firmé con los de asistencia.

J. DE JESUS PICO.

Asa.: JOSE GARCIA.
VICTOR LINARES.

En seguida, en el mismo dia, mes y año, yo el Juez de Paz de San Luis Obispo, accompanado de los de asistencia, dispuse nombrar dos medidores Cordeleros de los concurrentes, y fueron nombrados Don Mercurial Garcia y Don Ygnacio Castillo, los cuales, aceptando el encargo, juraron por Dios, Ntro. Señor y la Santa Cruz, descm- 164 peñarlo fielmente segun su sabe. y entender, y lo asenté qr. diligencia q. firmé con los de asistencia.

J. DE JESUS PICO.

Asa.: JOSE GARCIA.
VICTOR LINARES.

A continuacion, en el mismo dia mes y año, yo el Juez de Paz de San Luis Obispo acompañado de los de asistencia y concurrentes ya citados, pasamos à la casa de habitacion del Ministro Parroco de este pueblo con objeto de empezar las medidas del edificio principal, y despue sde haberle separado à dho. Parroco, pa. su habitacion y de

mas usos que le convengan, seis cuartos y dos salas utiles pa. su habitacion cuyos estan reunidos à un solo lugar sin embargo de la division de piezas, tomaron los medidores el cordel pr. sus extremos y estacas; desde la puerta principal pr. donde se transita pa. entrar à la plaza se comenzó la medida hasta llegar à la esquina qe. está por el rumbo S. O. en donde se contaron cincuenta y seis vara Castellanas, habiendo en todas estas pr. la misma nave diez piezas utiles de habitacion, de las cuales quedan separadas dos qe. se hallan en la esquina dondo termina esta primera medida, pa. casa consistorial y carcel; de allí se continuó la medida pr. toda la orilla de la pared hasta llegar a la esquina qe. està por el rumbo N. O. y se midieron noventa y dos varas Castellanas en cuyas se comprenden dos piezas qe. son un galeron util y uno inutil sin techo; en seguida se continuó la medida hasta otra esquina qe. se halla al rumbo N. E. y habiendo llegado a ella se contaron noventa varas Castellanas en las cuales se encuentran pr. la misma nave de afuera cuatro piezas utiles; de alli se continuó la medida hasta llegar al puerton qe. està unido à la pared de la Yglesia en donde se midieron veinte y tres varas Castellanas en las que se encuentran dos piezas inutiles. Concluidas de este modo las medidas pr. la parte de afuera, y entendido Don Juan Wilson de la separacion qe. hubo pa. consistorial y carcel, y señalados los limites à que por esta parte queda sujeto, bajo el angulo de dos cientas sesenta y una varas en cuyas quedan tambien comprendidas quince piezas utiles de habitacion y tres inutiles. Pasé con los concurrentes ya citados adentro de la Plaza de dho. edificio, y tomando los medidores el cordel
165 se empezó la medida con direccion al S. O. hasta llegar a esquina, cuya medida fue de 36 varas, en las qe. se comprenden tres piezas utiles; y luego se continuó la medida pr. toda la orilla de la pared acia al N. O. la qe. terminó pr. el mismo rumbo con una esquina en donde se contaron cincuenta y ocho varas Castellanas, y en ellas un galeron util y otro inutil. En seguida se midió con direccion al N. E. hasta llegar a la esquina qe. está pr. el mismo rumbo, y se contarón sesenta varas Castellanas, y cinco piezas utiles comprendidos en ellas. De alli se hizo la medida hasta el puerton al respaldo de la Yglesia de esta pueblo, y se midieron veinte y tres varas en cuyas se comprenden dos piezas inutiles, sin techo. Concluidas de este modo las medidas, y señalados los terminos y lineas ꝗ que estan sugetos entendido el Sor. Wilson qe. el cuadro de la Plaza con los arboles qe. en él se encuentran y à mas los tres corrales de piedra pertenecientes à estas fincas son de su propriedad, pa. perfeccionar el auto en voz clara le dije: En nombre de la nacion Mejicana doy a V. posesion de la parte de esta edificio y los corrales de piedra que V. tiene comprados y que ahora se le han medido; y mandandole qe. hiciese alguna demonstracion de haber adquirido el dominio util y directo, y con esto la propiedad de dhas. fincas, como dueño y Señor de ellas tiró piedras y cavó la tierra, con lo cual se concluyó el auto, y habiendo pedido el interesado se le devuelvan estas diligencias originales. Y pa. su constancia lo firmé con los de assistencia.

J. DE JESUS PICO.

Asa.: José García.
Victor Linares.

San Luis Obispo, *Junio* 25 *de* 1846.

Devuelvanse estas diligencias originales al interesado pa. testimonió de adquisicion de propiedad y el uso qe. le convenga y tomese razon en el libro respectivo de esta Jusgado.

PICO.

166 San Luis Obispo, *Junio* 25 *de* 1846.

Atendido el auto anterior, con esta f'ha es devolvió à Don Juan Wilson este expediente en 7 fojas utiles, y lo asenté pr. diligencia qe. rubriqué.

(Pico's rubric.)

Queda tomada razon en el libro respectivo de posesiones de este Jusgado à fojas, 13, 14, 15, y 16.

J. DE JESUS PICO.

[Translation.]

## Exhibit XXVIII.—*San Luis Obispo.*

Pio Pico, senior member of the most excellent departmental assembly and provisional governor of the Californias:

Governor of the dept.
[EAGLE.]
of the Californias.

Whereas the part of the main building of the mission of San Luis Obispo, which remains after setting apart the curate's house, the town-hall, school room, and jail, was exposed at public auction to the highest bidder in this capital, on the 4th inst., and whereas, the Señores Scott and Wilson and Don Santiago McKinley became the purchasers of the said part of the edifice, by virtue of having been the last and highest bidders in their offer of five hundred and ten dollars, and having paid, in full satisfaction, this sum in current money to the departmental government:

Now therefore, I, using the faculties conferred on me by the most excellent departmental assembly in its resolutions on the matter, dated July 4th of the present year, and in conformity with the regulations of October 28th ultimo, do declare, by these presents the said Señores Scott and Wilson and Don Santiago McKinley to
167 be the legal owners in partnership of all the rooms which belong to that part of the mission building of San Luis Obispo, which was sold to them; the number and size of which will be shown by the judicial possessions which, by a special order of this date, the first alcalde of San Luis Obispo ought to give them, with all the corrals fenced with stone which were the property of said missions and belong to no individual.

Therefore, I order that this title being held as firm and valid, note be taken of it in the book of entries of grants of vacant lands, and

it be delivered to the parties interested for their security and other purposes.

Given in the city of Los Angeles on the sixth day of December, one thousand eight hundred and forty-five, on common paper for want of stamped.

(Signed) PIO PICO.

(Signed) Jose Maria Covarrubias, *Secretary.*

Note has been made of this title in the respective book. Angeles, dated as above.

COVARRUBIAS.

*To the justice of the peace:*

San Luis Obispo, June 22, 1846.

In conformity with this request, on Monday, the 23d inst., the judicial possession solicited will be given to the party interested.

I, the justice of the peace of this demarcation, thus decreed, ordered and signed.

(Signed) PICO.

Juan Wilson, resident of the district of Santa Barbara, for himself, and in the name of Don Diego Scott and Don Santiago McKinley, appears and represents: That, in virtue of having purchased from the departmental government the part of the principal building of this place, as shown by the title which I transmit herewith, I pray you will consent to give me the judicial possession in conformity with said title. Therefore, I request you to grant me this favor, in which I will receive grace, which I swear, etc. Excusing the use of common paper for want of stamped.

(Signed) JUAN WILSON.

San Luis Obispo, June 22d, 1846.

168 In the pueblo of San Luis Obispo, on the twenty-second day of the month of June, in the year one thousand eight hundred and forty-six, present Don Juan Wilson, and I notified him of the preceding order, and he acknowledged notice, and I noted it officially, and certify with the assisting witnesses for want of a notary.

(Signed) J. DE JESUS PICO.

Asst'g witnesses:
(Signed) Jose Garcia.
(Signed) Victor Linares.

In the pueblo of San Luis Obispo, on the twenty-third day of the month of June, of the year one thousand eight hundred and forty-six, I, the justice of the peace, accompanied by assisting witnesses, caused to be measured a cord for the purpose of measuring the "fincas" (premises) of the main building of this pueblo, and a cord was measured ten Spanish varas long, and two stakes were tied to its extremities, and in testimony I noted it officially, which I signed, with those of assistance.

(Signed) J. DE JESUS PICO.

Asst'g witnesses:
(Signed) Jose Garcia.
(Signed) Victor Linares.

In continuation on the same day, month, and year, I, the justice of the peace of San Luis Obispo, accompanied by assisting witnesses, decided to appoint from the bystanders two measuring rope-bearers, and appointed Don Mercurial Garcia and Ignacio Castillo, who, accepting the office, made oath by God, our Lord, and the holy cross, to discharge it faithfully to the best of their knowledge and belief, and I noted it officially, which I signed, with those of assistance.

(Signed) **J. DE JESUS PICO.**

Asst'g witnesses:
(Signed) JOSE GARCIA.
(Signed) VICTOR LINARES.

169 In continuation on the same day, month, and year, I, the justice of the peace of San Luis Obispo, accompanied by the assisting witnesses and other persons aforementioned, went to the dwelling-house of the parish minister of this pueblo, for the purpose of commencing the measurements of the main building, and after having set apart for said curate six good rooms and two halls, which are united in one place, notwithstanding the division of rooms, for his dwelling and other convenient purposes. the measurers took the cordel by its extremities and stakes, and measured; from the principal door through which they pass to enter the plaza. fifty-six Spanish varas to the southwest corner of the building, in which distance and in the same range were ten good rooms for dwelling, of which the two which are at the corner where the measurement terminated were set apart for town hall and jail; thence the measurement was continued along the wall to the northwest corner, ninety-two Spanish varas, in which are included one gallery, in good order, and another without roof; then the measurement was continued ninety Spanish varas to the northeast corner, in which distance in the same range outside are four good rooms; thence to the large gate next to the wall of the church, twenty-three Spanish varas, in which are two good rooms. The measurement on the outside being thus concluded, and Don Juan Wilson having been informed of the reservation which was made of town-hall and the jail and the limits designated, this part is included in a boundary of two hundred and sixty-one varas, in which are included fifteen good rooms for dwellings and three useless ones. I then passed into the plaza of said building, with the aforesaid persons, and the measurers taking the cordel, measured southwest to the corner thirty-six varas, in which are three useful rooms; and then, continuing to the northwest along the wall, the measurement ended in a corner distant fifty-eight Spanish varas, including one useful and one useless gallery; thence northeast to the corner, which is in that direction sixty Spanish varas, with five good rooms contained in it; thence directing the measurement to the large gate behind the church twenty-three varas, containing two rooms without roofs. The measures being thus ended and the bounds and lines to which they are subject designated, Señor Wilson being made to understand that 170

the square of the plaza with the trees which are in it, and also the three stone corrals belonging to these buildings are his property, to perfect the act, in a loud voice I said to him: In the name of the Mexican nation, I give you possession of the part of this building and the stone corrals which you have purchased, and which have just been measured; and directing him to make some demonstration of having acquired the useful and direct dominion and as such the ownership of said buildings, as owner and lord of them, he threw stones and dug earth with which the act was concluded, the interested party having asked that these original official acts be returned to him, and in testimony thereof I signed with assisting witnesses.

(Signed) JOSE DE JESUS PICO.

Asst'g witnesses:
(Signed) Jose Garcia.
(Signed) Victor Linares.

San Luis Obispo, *June* 25, 1846.

Let these original official acts be delivered to the party interested for testimony of acquisition of ownership and the use he may find convenient, and let note thereof be taken in the corresponding book in this office.

(Signed) PICO.

San Luis Obispo, *June* 25, 1846.

In compliance with the preceding order on this date, this expediente was given to Don Juan Wilson in seven folios, and I noted it officially and signed in rubric.

(Rubric of Pico.)

Note has been taken in the proper book of possessions in this office on folios 13, 14, 15, and 16.

(Signed) JOSE DE JESUS PICO.

[Original.]

## 171 Exhibit XXIX.

Pio Pico, Gobernador Constitucional del Departamto. de Californias:

Gobierno del Dep.
[EAGLE.]
De Californias.

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las misiones à fin de pagar sus deudas y evitar la total ruina de ellas, atendiendo à que el Señor Dn. Santiago Argüello ha hecho al Gobierno servicios de consideracion en todos tiempos, y así mismo, facultado auxilios siempre que se le han solicitado, para conservacion del proprio Goberino y seguridad del Departmento sin habersele indemnizado; habiendo este Señor pretendido, para su

beneficio personal y el de su numerosa familia, el comprar la Mision de San Diego con todos sus terrenos, fincas rusticas y urbanas que tuviere, pagando integra y religiosamente las deudas pasivas de dicha Mision que aparecieren justificadas, segun las relaciones que de ellas formó la comision de Misiones, obligandose à mas à proporcionar la subsistencia del Padre Ministro que allí existe y la conservacion del culto divino;—visto y considerado todo lo que ver y considerar convino, en uso de las facultades con qe. me hallo investido, he venido en hacer venta real y enagenacion perpetua para siempre jamas à Dn. Santiago Argüello segun y conforme ha convenido, con todas las pertenecias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices ó semovientes; en cuyo testimonio y para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1a. Pagará á los acreedores de la Mision de San Diego las cantidades que aparecieren justificadas, pudiendo convenirse con ellos en el tiempo y modo de verificarlo.

2a. Desde ahora es de su cuenta particular todo lo necesario para la subsistencia del Padre Ministro que allí existe, como igualmente para la conservacion del culto divino.

3a. No se podrá alegar lesion enorme por esta venta de parte de
ninguno, y el exceso en poco ó mucha suma queda a favor del
172 comprador por ser el valor justo que actualmente tiene dicha
Mision y no haber quien diese mas por ella.

4a. Se exceptuan de la venta anterior el templo y todas sus pertenencias y habitaciones del Padre Ministro.

En consecuencia declaro por las presentes letras ser dueño legitimo de la referida Mision de San Diego el Señor arriba mencionado, en los terminos y bajo las condidiones expresadas, por cuya virtud podrá tomar posesion de ella desde ahora ó cuando le conviniere. Y para la dibida constancia en todos tiempos, doy este documento como formal escritura que serà reconocido y acatado por todas las autoridades civiles y militares de le Nacion Mejicana en este y en los demas departamentos, y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por falta de sellado, en la Ciudad de los Angeles, á ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

[Translation.]

## EXHIBIT XXIX.—*San Diego.*

Pio Pico, constitutional governor of the department of the Californias:

Governor Dept.
[EAGLE.]
of the Californias.

Previously authorized by the most excellent departmental assembly to alienate the missions, in order to pay their debts and to avoid their

total ruin, knowing that Señor Don Santiago Arguello has rendered the government important services at all times, and has also given aid, when asked, for the preservation of the legitimate government and the security of the department without having received any indemnification; and whereas this señor has, for his own personal benefit and that of his numerous family, asked to purchase the mission of San
Diego, with all its lands and property belonging to it both in
173 town and country, he paying fully and religiously the passive
debts of said mission which appear established according to the report of the committee on missions; binding himself, besides, to provide for the support of the priest located there, and of divine worship.

Having seen and considered all that is to be seen and considered, and using the faculties conferred upon me, I have made real sale and perpetual alienation of it forever to Don Santiago Arguello, according to and in conformance with what has been agreed upon, with all the appurtenances found and known at the time as belonging to it, whether consisting in lands, buildings, improved real estate, or cattle.

In testimony of which, and for its validity and better fulfilment, the following conditions are added:

1st. He shall pay the creditors of the mission of San Diego the sum which may appear justly due them, he being authorized to enter into an agreement with them as to the time and mode of settling them.

2d. From now henceforth he shall bear upon his own account the necessary expenses for the subsistence of the priest located there, and also for the preservation of divine worship

3d. No one shall claim unreasonable damages on account of this sale; and the excess, whether great or small, is granted to the purchaser, for he takes it at the true value which the said mission now possesses, and there is no one who will give more for it.

4th. The church and its appurtenances and the dwelling of the priest are excepted from the foregoing sale.

In consequence, I declare by these presents the aforesaid señor to be the legitimate owner of said mission of San Diego, on th eerms and under the conditions above expressed, by virtue of which he may take possession of it from this time, or whenever he may see fit.

And, as a proper testimony in all future time, I give this document as a formal deed, which shall be acknowledged and respected by all civil and military authorities of the Mexican nation in this and
other departments, and even by the general government of
174 Mexico. Properly authorized under my hand, and that of my
secretary of state. on this common paper, there being none stamped, in the city of Los Angeles, the 8th day of June, one thousand eight hundred and forty-six.

(Signed) **PIO PICO.**

(Signed) JOSE MATIAS MORENO,
*Sec'ry ad interim.*

[Original.]

## EXHIBIT XXX.—*San Luis Rey.*

Pio Pico, gobernador constitucional del departamto. de Californias:

Gobierno del depto.
[EAGLE.]
de California.

Por cuanto Don Antonio José y Don José Antonio Pico se presentaron á este Gobierno, solicitando se les dé en legitima, posesion la Mision de San Luis Rey y el Rancho de Palas con los terrenos que les pertenecen, en pago de dos mil pesos en plata, y cuatro cientos treinta y siete pesos cuatro reales en semillas, con qe. han auxiliado al mismo Gobierno en sus urgencias, obligandose ambos à satisfacer en toda clase de esquilmos las deudas de la expresada Mision de San Luis Rey en el termino de cuatro años; teniendo en consideracion los perjuicios que los interesados han tenido por el retardo de la satisfaccion de aquello deuda, y que las fincas, que estan en un abandono total, no pagarian à los demas acreedores, he venido en concederles a los expresados Sres. Dn. Anto. José Cot y Dn. José Antonio Pico, en virtud de las facultades con que me hallo investido, quedando responsables à satisfacer las deudas de la referida Mision de San Luis Rey en el tiempo que ofrecen.

Y para qe. el presente documento tenga la validacion correspondiente, anotese y tomese razon en el libro respectivo por el Señor Secretario del despacho pa. resguardo de los interesados; extendiendoseles en papel comun por falta del sellado correspondiente.
175 Dado en la casa de Gobierno en la Ciudad de los Angeles, à los diez y ocho dias del mes de Mayo, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

[Translation.]

## EXHIBIT XXX.—*San Luis Rey.*

Pio Pico, constitutional governor of the department of the Calfornias:

Governor of the dept.
[EAGLE.]
of the Californias.

Whereas Don Antonio José Cot and Don José Antonio Pico have presented themselves to this government, petitioning that it shall give them a legitimate possession of the mission of San Luis Rey

and the rancho of Palas, with the lands which pertain to them, in payment of two thousand dollars in money and four hundred and thirty-seven dollars and four reales in grain, with which they have assisted the government in its exigencies, they both obligating themselves to satisfy, in every description of produce, the debts of the said mission of San Luis Rey in the term of four years; bearing in consideration the damages which the interested parties have sustained in the delay of the satisfaction of the said debt, and that the edifices, which are in a total abandonment, will not pay the other creditors, I have resolved to concede them to the Señores Don Antonio José Cot and Don José Antonio Pico, in virtue of the faculties with which I find myself invested; they remaining responsible to satisfy the debts of said mission of San Luis Rey, in the time which they offer. And in order that the present document
176 shall have such corresponding validity, let it be entered and taken account of in the respective book by the senor secretary of state, for the security of the interested, being drawn on common paper, for lack of the proper sealed.

Given in the government house in the city of Los Angeles, this 18th day of May, 1846.

PIO PICO.

Jose Matias Moreno, *Secretary ad interim.*

Note of this superior despatch has been made in the respective book.

MORENO.

[Original.]

### Exhibit XXXI.—*San Gabriel.*

Pio Pico, Gobernador Constitucional, del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar sus deudas y evitar la total ruina de ellas, como para proporcionar recursos que sirvan à la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder, en cuya circunstancia el Gobierno del Departamento està facultado ampliamente por el Supremo de la Nacion; atendiendo á que los Señores Don Perfecto Hugo Reid y Don Julian Workman han hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para su mejor conservacion y seguridad del Departamento, bajo la garantía de justa indemnizacion cuando la hacienda general estuviese desahogada; habiendo estos Señores solicitado, para su beneficio personal y el de sus familias, la Mision de San Gabriel, con todos sus terrenos, fincas rusticas y urbanas, en pago de las cantidades que en diferentes èpocas han facilitado al Gobierno Departamental,
177 obligandose à mas à satisfacer integra y religiosamente las

deudas pasivas de dicha Mision que aparecieren justificadas segun la relacion qe. de ellas formó la comision de Misiones; como tambien à señalar una parte ó cantidad proporcionada para subsistencia del Padre Ministro que allí exista y conservacion del culto divino; visto y considerado lo que ver y considerar convino, en uso de las facultades con que me hallo investido, he venido en hacer venta real y engenacion perpetua para siempre jamas, à los Señores Perfecto Hugo Reid y Julian Workman, de la Mision de San Gabriel segun y conforme ellos han convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices ó semovientes, en cuyo testimonio para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1a. Pagaràn à los acreedores de la Mision de San Gabriel las cantidades que aparecieren justificadas, à lo mas en el termino de dos años, pudiendo convenirse con ellos à la espera, abonandose à sí mismos las cantidades que hubieren desembolsado y estan reconocidas por legales.

2a. La venta se hace permanente de los edificios principales y particulares, de otras fincas, huertas, viñas y demas bienes raices y semovientes, y de los terrenos totalmente baldios que tuviere y no reconocieren propiedad particular ninguna.

3a. Desde ahora para siempre facilitaràn de su cuenta lo necesario para la subsistencia del Padre Ministro que en todo tiempo existiere allí, como igualmente para la conservacion del culto divino.

4a. No se podrà alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poca ò mucha suma queda à favor de los compradores por ser el justo valor que tiene actualmente dicha Mision y no haber quien diese mas por ella.

En consequencia declaro por las presentes letras ser dueños legitimos de la expresada Mision de San Gabriel, de mancomun, los Señores arriba mencionados en los terminos y bajo las condiciones expresadas, por cuya virtud podrán tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que serà reconocido y acatado por todas las
178 autoridades civiles y militares de la Nacion Mejicana en este y en los demas Departamentos y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, à ocho de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynt'o.*

**Queda tomada razon de este Superior Despacho en el libro respectivo.**

**MORENO.**

[Translation.]

## EXHIBIT XXXI.—*Title to San Gabriel mission.*

Pio Pico, constitutional governor of the department of the Californias:

Governor of Dep.
[EAGLE]
of the Californias.

Having been heretofore authorized by the most excellent departmental assembly to alienate the missions, as well for paying their debts and avoiding the total ruin of the same, as for obtaining funds to provide for the common defense in case of a foreign invasion, which according to credible information is very close at hand, in which case the government of the department has received ample powers from the supreme one of the nation: Considering that the Señores Don Perfecto Hugo Reid and Don Julian Workman have rendered considerable services to the government and also lent good assistance for the better preservation and security of the department under guarantee of just recompense whenever the general treasury should be relieved; and whereas those señors have solicited for their personal benefit, and that of their families, the mission of San Gabriel, with all its lands, improvements of town and country, in payment of the sums which at different periods they have advanced to the
179 departmental government, binding themselves to satisfy fully and religiously the debts outstanding against said mission which may be proved according to the report of the same made by the committee on missions, as also to assign a proportional part or sum for the maintenance of the ministering fathers who may live there, and for the preservation of divine worship; having seen and considered all it behooves to see and consider,

In the exercise of the power wherewith I find myself invested, I have to come to make a real sale and perpetual alienation forevermore to the Señores Perfecto Hugo Reid and Julian Workman of the mission of San Gabriel, according and conformably as they have agreed, together with all the appurtenances which at this day are reckoned and considered as appertaining to the same, whether they consist in lands, real estate or cattle.

In testimony whereof, and for the validity and better accomplishment hereof, the following conditions are imposed:

1st. They will pay to the creditors of the mission of San Gabriel the sums which may appear and be proved, at the furthest, in the term of two years, with power to agree with them for delay.

They will also credit themselves with the sums they may have disbursed and acknowledged as lawful.

2d. The sale is hereby made of the principal and private edifices, of other improvements, gardens, vineyards, and other real estate and cattle, of the lands wholly unoccupied there may be, and which do not belong to the property of any individual whatever.

3d. Henceforward they will advance, on their own account, the necessaries for the subsistence of the father ministers who at any time may live there, as also for the preservation of divine worship.

4th. Neither party to this sale shall have power to allege excessive damages, and the balance, whether the same amount to a smaller or larger sum, remains in favor of the purchasers, they having paid the just value which said mission actually possesses, and there being no one who would give any more for it.

180 In consequence, I declare by these present letters, that the persons above named are legitimate owners of the said mission of San Gabriel, jointly, on the terms and under the conditions above stated.

By virtue whereof, they may take possession of the same from this moment, and for due testimony at all times I give this instrument as a deed in due form, which is to be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and the other departments, and even by the general government of the same, being duly certified with my signature and that of my secretary of state, on this common paper, there being absolutely none stamped, on the eighth day of June, one thousand eight hundred and forty-six.

PIO PICO.

Jose Matias Moreno, *Sec'y pro tem.*

Note has been made of this superior despatch in the respective book. MORENO.

[Original.]

## Exhibit XXXII.—*San Fernando.*

Gobierno del Depto.
[EAGLE.]
De Californias.

El infrascrito Gobernador Constitucional del Departamento de Californias en virtud de las facultades de que se halla investido por el Gobierno Supremo de la Nacion, y por decreto de la Honorable Asamblea Departamental de trece de Abril del presente año, para proporcionar recursos à fin de sostener la intregridad del territorio de este Departamento, enagena en la persona de Dn. Eulogio de Celis, y sus herederos, la ex-Mision de Sn. Fernando en la cantidad de 181 catorce mil pesos que recibe, con todas sus propiedades, fincas, terrenos, è inventario, menos la Yglesia que queda para uso pūblico con todas sus pertenencias, y á proporcionar lo necesario al culto divino.

Constituyendose el referido comprador mantener los actuales indios viejos en sus terrenos por el tiempo de sus dias, pudiendo hacer sus siembras con solo la condicion de no poder enagenar los terrenos que cultiven, y cualquiera otros que posean sin titulo anterior del Gobierno Departamental; por tanto se reconocerà al citado Señor Celis como legitimo propietario de la mencionada ex-Mision de San Fernando, para que haga el uso que mejor le convenga, garantizandole

como le garantiza este Gobierno la precitada finca por bien habida, con todas las prerogativas que las leyes señalan à favor de los compradores, con solo la condicion de que no tomarà posesion el referido comprador en el termino de ocho meses contados desde la fecha en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato, reintegrando al expresado Señor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente premio, a estilo de comercio; pero si este reintegro no tuviere efecto en los citados ocho meses, tengan por valida al presente venta.

El antereferido comprador se compromete en asegurarle al Padre Ministro de aquel establecimiento, la manutencion y vestuario con la posible decencia, y asi mismo las piezas de habitacion que tiene asignadas ó las que justamente necesite.

Y para la debida constancia y seguridad del intersado, se estiende la presente escritura, que serà reconocida y acatada por todas las autoridades del Departamento para su mejor cumplimiento.

Y en preuba de lo cual, se autoriza y firma por el infrascrito y Secretario del despacho, en la Ciudad de Los Angeles, en este papel comun por falta del sellado, à diez y siete de Junio de mil ochocientos curaenta y seis. **PIO PICO.**

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior despacho en el libro respectivo. **MORENO.**

182 [Translation.]

EXHIBIT XXXII.—*San Fernando.*

Governor of Dep.
[EAGLE.]
of the Californias.

The undersigned, constitutional governor of the department of the Californias, in virtue of the powers vested in him by the supreme government of the nation, and in virtue of a decree of the honorable departmental assembly, of April thirteenth of the present year, to raise means for the purpose of maintaining the integrity of the territory of this department for the sum of fourteen thousand dollars, which he receives, sells unto Don Eulogio de Celis, and his heirs, the ex-mission of San Fernando, with all its properties, estates, and lands, and inventory, with the exception of the church and all its appurtenances which remains for public use, and he to provide what is necessary for divine worship.

Said purchaser obligating himself to maintain on their lands the old Indians on the premises during their lifetime, with the right to make their crops, with the only condition that they shall not have the right to sell the lands they cultivate, and any other which they possess, without anterior title from the departmental government; therefore the aforesaid Señor Celis shall be acknowledged as the legitimate owner of the aforesaid ex-mission of San Fernando, to use the same as to him shall seem best, guaranteeing unto him as this

government does guarantee, that he is well possessed of the aforesaid estate, with all the prerogatives granted by law to purchasers, with the only condition that the abovementioned purchasers shall not take possession within the space of eight months from the date hereof, within which period the government shall have the right to annul this contract by reimbursing to the aforesaid Señor Celis the sum of fourteen thousand dollars, with interest at the current commercial rates; but if this reimbursement is not made within the aforesaid eight months this sale shall be valid.

The above mentioned purchaser binds himself to warrant
183 to the father minister of the aforesaid establishment his subsistence and clothing with all possible decency, together with the rooms assigned to him or those which he justly requires.

And for the establishment of this fact, and the security of the purchaser the present document is issued, and shall be acknowledged and respected by all the authorities of the department for its accomplishment.

And in testimony hereof the undersigned and secretary of the department grant this authority and affix their signatures, in the city of Los Angeles, on this ordinary paper for want of stamped paper, the seventeenth of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, *Sec'y pro tem.*

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[Original.]

EXHIBIT XXXIII.—*San Buenaventura.*

Gobierno del Depto.
[EAGLE.]
de Californias.

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar las deudas, y evitar la total ruina de ellas, como para proporcionar recursos que sirvan à la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder; en atencion que el Señor Don José Arnaz ha hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para la mayor conservacion y seguridad del Departamento, bajo la garantía de justa indemnizacion cuando la hacienda general estuviere desahogado, y no teniendo modo ó forma de cubrir la cantidad que justamente le adeuda este Gobierno, le da en pago de la que en diferentes épocas ha facilitado al Gobierno, y la que ha recibido presente, en
184 total de doce mil pesos; y considerando todo lo que hay que ver y meditar convino; en uso de las facultades con que me hallo investido por el supremo Gobierno, y decreto de 13 de Abril ultimo de la Exma. Asamblea Departamental, he venido en hacer venta real y efectiva enagenacion perpetua para siempre jamas, al expresado Don José Arnaz, de la Mision de San Buenaventura segun

y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce annexas, consistan en terrenos, fincas bienes raices y semovientes; en cuyo testimonio y para su validacion, se ponen las condiciones siguientes:

1a. Pagará a los acreedores de la Mision de San Buenaventura las cuentas que aparecieren justificadas, a lo mas, en el termino de un año.

2a. Desde ahora para siempre facilitará de su cuenta lo necesario para la subsistencia y véstuario del Padre Ministro, y en todo tiempo subsistirá allí, como igualmente para la conservacion, del culto divino, dejando á beneficio de dicho padre las piezas que tiene ocupadas para su habitacion.

3a. No se podrà alegar lesion enorme por esta venta de parte de ninguno, y el exceso, en poca ó mucha suma; queda à favor del comprador por ser el justo valor que tiene actualmente dicha Mision, y no haber quien diere mas por ella.

4a. Se exceptuara de la venta anterior el templo y todas sus demas pertenencias que le corresponden.

5a. Los terrenos de que se hace mencion y que se reconocen por de la mision se comprenden de la Laguna Huenemo, el palo alto, los de siembras de Santa Paula, la cañada de la mision, y todos los que no esten concedidos por justo titulo del Gobierno, y que reconozcan la propiedad del establecimiento, de los que se hace venta, con todos los bienes raices y semovientes, utiles, y demas que sea de su propiedad.

En consecuencia declaro, por las presentes letras, ser dueño legitimo de la expresada Mision de San Buenaventura el Señor arriba mencionado en los terminos y bajo las condiciones expresadas, por cuya virtud podrà tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que serà reconocido y acatado por todas las autoridades
civiles y militares de la nacion Mejicana en este y en los demas
185 Departamentos, y aun per el Gobierno general de ella, autori-
zado debidamente con mi firma y la del Secretario de mi despacho, en esta papel comun por absoluta falta de sellado, à ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXIII.—*Title to mission of San Buenaventura.*

Governor of Dep.
[EAGLE.]
of the Californias.

Pio Pico, constitutional governor of the department of the Californias:

Previously authorized by the most excellent departmental assembly for the alienation of the missions, as well for the payment of their

debts and to avoid their total ruin, as to procure the means that might serve for the common defense in the case of a foreign invasion, which according to reliable information is near happening, in consideration of Don José Arnas having rendered to the government considerable services, and also having furnished good means for the best preservation and security of the department under the guaranty of a just indemnity when the general treasury shall be disembarrassed, and not having the resources to reimburse the amount which is so justly due him by this government, it gives him in payment for the amounts which he has furnished at different times to the aforesaid government, and which it has received, and which makes the sum twelve thousand dollars, and considering the existing circumstances, using the faculties with which I am invested by the supreme government, and decree of the departmental assembly of the 13th of April last, I have
186 sold to the aforesaid José Arnas in fee the mission of San Buenaventura as agreed upon, with all its appurtenances, consisting in lands, estates, properties, cattle, and movables; and in testimony whereof, and for the validity of the contract, the following conditions are established:

1st. He shall pay the creditors of the mission of San Buenaventura, within the space of at least one year, the amounts which shall be certified.

2d. From this day he shall furnish, on his own account, the means for sustenance and clothing of the father minister, who shall at all times reside there, and for the conservation of divine service, leaving for the benefit of said father the rooms which he occupies.

3d. Enormous lesion in this sale shall not be set up by either party; and the amount, either small or considerable, shall be interpreted in favor of the purchaser as being the actual just price of said mission, there being no one that would give more for it.

4th. The church building and all other appurtenances thereunto belonging, shall be excepted from the above sale.

5th. The lands which are here mentioned, and which are known as belonging to the mission, include the Laguna Huenemo, el Palo Alto, the grain fields of Santa Paula, la Cañada de la Mision, and all those which have not been granted with a good title from the government, which are recognised as the lands of the establishment which is hereby sold with all its property, cattle, utensils, and other movables which appertain to the same.

In consequence whereof the aforesaid Señor Arnas is declared by these presents to be the legitimate owner of the aforesaid mission of San Buenaventura under the foregoing terms and conditions.

In consequence whereof he may take immediate possession of the aforesaid mission. In proof whereof, I execute this document in due form, which shall be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and other departments, and even by the general government.

Duly authorized under my hand and that of the secretary of
187 state, on this ordinary paper for want of stamped paper, this 8th day of June, 1846. PIO PICO.

JOSE MATIAS MORENO, *Secretary pro tem.*

Note of this superior despatch has been made in the respective book.

**MORENO.**

[Original.]

### Exhibit XXXIV.—*Santa Barbara.*

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Facultado ampliamente por el Supremo Gobierno Nacional para
proveer à la defensa comun del Departamento en el caso de una invasion
que con fundamento se teme, y siendo necessario para ello
hacerse de algunos recursos, habiendose presentado à este Gobierno
Don Ricardo S. Den manifestando q. compraba la Mision de Santa
Barbara con toda clase de pertenencias que le corresponden ofreciendo
la cantidad de siete mil y quinientos pesos, y obligandose à dar la
subsistencia al Padre Ministro; obrando en consecuencia con el decreto
de la Honorable Asamblea relativo à Misiones de 13 de Abril ultimo,
visto y considerado todo cuanto debia tenerse presente; he venido
hacer venta formal y efectiva de la Mision de Santa Barbara con todas
sus bienes raices y semovientes y terrenos que no reconozcan propiedad
particular que le correspondieren, à Don Ricardo S. Den, mediante
la cantidad de siete mil y quinientos pesos que ha entregado al
Gobierno Departamental, exceptuandose de la venta la Yglesia
188 y sus pertenencias asi como las piezas de habitacion del Reverendo
Padre que allí existe, y bajo las condiciones siguientes:

1a. Respetarà las propiedades de los Indios que tuvieren establecidas, y no los molestarà ni privarà de ellas en virtud de esta venta.

2a. Señalarà, á los indios que quisieren, terrenos para que hagan siembras à su beneficio, dando les derecho sobre ellas, y no impedirà que introduzcan bienes de Campo en los lugares que presten comodidad, bajo la condicion de que no les enagenaran à ninguna persona y en el caso de abandono quedan al beneficiodel comprador.

3a. Proporcionarà lo necesario para la subsistencia del Padro Ministro y conservacion del culto divino.

4a. Tan luego como sean cumplidos los nueve años en que està arrendada la Mision, tomarà la posesion de ella, no pudiendo entre tanto disponer de ninguna de sus propiedades sino es con el consentimiento de los arrendatarios.

En consecuencia declaro, por las presentes letras, ser dueo legitimo de la expresada Mision de Santa Barbara Don Ricardo S. Den, en los terminos y bajo las condiciones expresadas, con lo cual es conforme.

Y para la debida constancia en todos tiempos, doy este documento como en formal escritura, q. sera reconocido y acatado por todas las autoridades civiles y militares de la Nacion Mejicana, en este y en los demas departamentos, y ann por el Gobierno General de ella, autori-

zado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, en los Angeles á diez de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynto.*

Queda tomada razon de este Superior Titulo de venta, en el libro a que corresponde, fha. ut supra.

MORENO.

189 [Translation.]

EXHIBIT XXXIV.—*Santa Barbara.*

Pio Pico, constitutional governor of the department of the Californias:

Governor of the Dept.
[EAGLE.]
of the Californias.

Fully empowered by the supreme government of the nation to provide for the general defense of this department in case of an invasion, which there is every reason to fear, and it being necessary to raise some supplies for that purpose:

This government having received the offer of Mr. Richard S. Den, for the purchase of the mission of Santa Barbara with all things appertaining thereto, for the sum of seven thousand five hundred dollars, besides binding himself to provide maintenance for the missionary priest. Acting in conformity with the decree of the honorable departmental assembly of the 13th April last, after having examined and considered everything requisite in this matter, I have resolved to make a genuine and effective sale of the mission of Santa Barbara, with all its property, tenements, stock, and lands, (that do not belong to private individuals,) to Richard S. Den, by virtue of the payment of the sum of seven thousand five hundred dollars, which he has delivered to this departmental government; excepting from the sale the church and its appurtenances, and also the rooms occupied by the reverend priest who lives there, and on the following conditions:

1st. He shall respect the property of the Indians who may be established there, he shall neither molest, or dispossess them in virtue of this sale.

2d. He shall mark out the lands which the Indians wish to cultivate for their own benefit, giving them dominion over the same. He shall not prevent their placing stock on those places which are convenient, on condition that they shall not confer these priv-
190 ileges to any other person, and in case of abandonment they shall remain for the benefit of the purchaser.

3d. He shall provide the necessary subsistence for the reverend minister, and for the preservation of divine worship.

4th. So soon as the nine years are completed for which the mission is rented he shall take possession of the same, in the interim he cannot dispose of any part of the property without the consent of the lessees.

I therefore declare, by these presents, that Richard S. Den is the legitimate owner of the aforesaid mission of Santa Barbara on the terms and conditions expressed herein, with which he is satisfied, and for perfect evidence at all times, I give this document, as a genuine title deed which will be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and every other department, and likewise by the general government, being duly legalized by my signature, and that of my secretary of state, on this common paper for the absolute want of stamped paper, in Los Angeles, on the 10th day of June, 1846.

PIO PICO.

Jose Matias Moreno, *Secretary ad interim.*

Note of this superior title of sale has been made in the respective book, date as above. MOENO.

[Original.]

### Exhibit XXXV.—*Santa Ynez.*

Pio Pico, Gobernador Constitucional, del Departmento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto los Señores Don José Maria Covarrubias y Don Joaquin
Carrillo se presentaron à este Gobierno, solicitando se les dé
191 en legitima posesion la Mision de Santa Ynez con los pocos
terrenos que le quedan y debidamente le corresponden lo
mismo que las demas existencias que tenga, en pago de siete mil pesos
con que han auxiliado à este Gobierno para sus urgencias, à mas de
quedar obligados à proporcionar de su cuenta particular lo necesario
para la subsistencia decente del Reverendo Padre Ministro que allí
hubiera y sosten para la conservacion del culto divino; teniendo en
consideracion los servicios de estos Señores, particularmente el primero
que siempre se ha prestado gustoso à ayudar al Gobierno, y
que asi mismo se les seguiràn perjuicios por las cantidades que han
facilitado, y atendiendo al estado ruinoso de dicho establecimiento;
he venido en conceder a los expresados Señores Covarrubias y Carrillo
la mencionada Mision de Santa Ynez, con todas sus pertenencias,
exceptuando las casas que sirven de habitacion al R'do Padre, la
Yglesia y demas cosas que le son afectas y reconoce proprias, como en
justo pago de siete mil pesos, siendo este al presente su estimacion y
no haber quien diese mas por ellas; usando pues de las facultades con
que me hallo autorizado por el Supremo Gobierno Nacional, y por
decreto de la Honorable Asamblea Departmental de 13 de Abril último,
declaro por las presentes letras, à los Señores ante dichos, dueños

en propiedad de la repetida Mision, en los terminos que quedan estipulados, por cuya virtud podrà desde luego tomar posesion de ella.

En consecuencia, mando, que teniendose el presente titulo por una formal y valedera escritura de venta, se entregue à los interesados para su resguardo y demas fines debiendo ser reconocido y acatado por todas las autoridades civiles y militares de este Departamento, y demas de la Nacion; por lo cual, se tomarà de él la correspondiente razon.

Dado en la Ciudad de Los Angeles, en este papel comun por absoluta falta del sellado, á los quince dias del mes de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynt'o*

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

192 EXHIBIT XXXV.—*Santa Ynez.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor of Dep.
[EAGLE.]
of the Californias. }

Whereas Don José Maria Covarrubias and Don Joaquin Carrillo have presented themselves to this government, requesting that there be given to them in legal possession the mission of Santa Ynez, with the few lands which remain to it and duly correspond to it, as also the other property which it may at present have, in payment of seven thousand dollars, with which they have assisted this government for its pressing demands, besides remaining bound to furnish on their own private account what may be necessary for the decent subsistence of the rev. father minister who may be there, and support for the continuance of the divine worship; having, in consideration of the services of these gentlemen, particularly of the first, who has always taken pleasure in assisting this government, and that they will suffer losses on account the amounts which they have furnished, and in consideration of the ruinous conditions of said establishment, I have granted to the said Señores Covarrubias and Carrillo the aforesaid mission of Santa Ynez, with all its appurtenances, excepting only the houses which serve as the dwelling of the rev. father, the the church, and other things belonging to him and recognised as private, as in just payment of seven thousand dollars, this being its present value, and there being no person who would give more for it; using, then, the powers with which I am authorized by the supreme national government and the decree of the honorable departmental assembly of the 13th of April last, I do by these presents declare the aforesaid señores owners in fee of the said mission in the terms which have been stipulated, in virtue of which they can take immediate possession of it.

193 In consequence, I order that the present title being held as a formal title and valid deed of sale, it be delivered to the persons interested for their security and other purposes, being recognised and respected by all the authorities, civil and military, of this department and others of the nation; wherefore, the corresponding note will be made of it.

Given in the city of Los Angeles, on this common paper for absolute want of stamped, on the fifteenth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO, *Secretary ad interim.*

Note has been made of this superior patent in the proper book.

(Signed) MORENO.

[Original.]

### EXHIBIT XXXVI.—*San Juan Bautista.*

Pio Pico, Gobernador Constitucional del Departamento de las Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto á que D. Oliviè Deleisegues ha justificado suficientemente debersele por la hacienda publica diversas cantidades q. en numerario y esquilmos ha facilitado à la guarnicion del Puerto de Monterey, á pedimento del Sor. Comte. Gral. del Departamento, y habiendo solicitado en pago de ellas la huerta del establecimiento de San Juan Bautista, con lo cual se conforma, no obstante de que el importe de su avalúo es menos que la cantidad q. se le adeuda; he venido en concederle la expresada huerta, en uso de la facultad q. me confirió la Exma. Asamblea Departamental en su acuerdo de cuatro de Julio del año proximo pasado, y de conformidad con el Reglamto. de 28 de Octubre del mismo año. 194

En consecuencia, declaro por las presentes letras, q. el mencionado D. Oliviè Deleisegues es dueño legalmente de la referida huerta de S. Juan Bautista, en pago de lo que se le adeuda; en cuya virtud tomará la posesion judicial de ella mediante este despacho.

Por tanto, mando, q. teniendose el presente por titulo firme y valedero, se tome razon de èl en el libro respectivo, y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun por falta de sellado, en la Ciudad de los Angeles, á cuatro de Mayo de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior Despacho en el libro respectivo. MORENO.

SOR. ALCALDE 1°. :

Maria Concepcion Boronda, viuda de Don Oliviè Deleisegues y como albacea y tutora de mis menores hijos, en uso de mis derechos, ante V. como mejor proceda paresco y digo, que la justificacion è integridad de V. se ha de servir mandar ampararme de la posesion, que no se le dio à mi difunto esposo, de la huerta de arboles frutales, que se halla en este pueblo al norte de la plaza principal, segun el derecho que me asiste à mi y mis pupilos en el documento que en dos fojas útiles le acompaño, y mediante tambien á ser yo la unica persona que derecho debe tener à dicha Huerta. Por tanto:

A V. suplico manda decretar de conformidad, por ser de justicia que impetro.

San Juan Bautisa, Abril 23 de 1850.

MARIA CONCEPCION BORONDA.

195 SAN JUAN BAUTISTA,
*Abril* [illegible] 18

Por presentando y admitido, pase esta solicitud al Sor. Juez de contado, para que con vista de ella y el titulo q. le acompaña decrete si este Jusgado tiene facultades para conocer del presente negocio, y si es legal el titulo que menciona dicha solicitud, para en su vista seguir la secuela del negocio; agreguese aquel à esta por principio; asi yo el Co. Angel Lebrija Alcalde 1o. de esta Municipalidad, asi lo decretè, mandè, y firmè, con los de mi asistencia.

Doy fe, ANGEL LEBRIJA.

**Asa.:**
JESUS FIGUEROA.
SATURNINO CARREAGA.

Se agrego el titulo y se hizo saber á Doña Concepcion Boronda auto anterior, y enterada dijo que pide se le entregue originales las presentes pare ocurrir à Monterey como està mandado, y firmo.

C. BORONDA.

LEBRIJA.

En la fecha, y en tres fojas utiles se entregan las presentes á la parte.

Lo anoto. (Lebrija's Rubric.)

[Translation.]

EXHIBIT XXXVI.—*San Juan Bautista.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor of Dept.
[EAGLE.]
of the Californias. }

Whereas Don Oliviè Deleisegues has satisfactorily shown that the public treasury is in debt to him for sundry amounts of

196 money and effects furnished by him to the garrison of the port of Monterey at the request of the señor commandant general of the department, and having solicited in payment thereof the orchard of the establishment of San Juan Bautista, with which he is satisfied, notwithstanding the value thereof is less than the amount due him, I have concluded, by virtue of the powers vested in me by the most excellent departmental assembly in their resolution of the 4th of July of the last year past, and in conformity with the regulation of the 28th October of the same year to grant to him the orchard aforesaid.

Therefore, by these present letters, I declare the aforesaid Don Oliviè Deleisegues to be the legitimate owner of the said orchard of San Juan Bautista in payment of what is due him, in virtue whereof he will take judicial possession thereof under this patent.

Therefore, the present being held as a firm and valid title, I order it to be entered in the respective book, and that it be delivered to the interested party for his security and other purposes.

Given on common paper for the want of sealed, in the city of Los Angeles, on the fourth day of May, one thousand eight hundred and forty-six.

(Signed) PIO PICO.
(Signed) JOSE MATIAS MORENO, *Sec'y.*

Entry is made of this superior patent in the proper book.
MORENO.

*Senor First Alcalde:*

I, Maria Concepcion Boronda, widow of Don Oliviè Deleisegues, and as the administratrix and guardianess of my minor children, in the exercise of my rights, appear before your honor in due form, and pray:

That your honor, in your goodness and integrity, may be pleased to direct that I may be favored with the possession, which was not given to my deceased husband, of the orchard situated north
197 of the principal square of this pueblo, according to my own
right and that of my wards in the document accompanied herewith on two written leaves, and also in virtue of my being the only person who should have any right to the said orchard.

Therefore I pray your honor to order a decree in conformity therewith, it being justice that I implore, etc.

San Juan Bautista, April 23, 1850.

(Signed) MARIA CONCEPCION BORONDA.

SAN JUAN BAUTISTA,
*April* 23, 1850.

Being presented and admitted, let this petition be referred to the hon. county judge, that after an examination thereof, and of the title accompanied herewith, he may decide whether this court has any jurisdiction over the present case, and whether the title referred to in the said petition is legal whereupon to prosecute the continuation of the cause. Let that be annexed to and preceding this. Thus:

I, citizen Angel Lebriga, first alcalde of this municipality, decreed, ordered, and signed, with my assisting witnesses. I attest:

(Signed) ANGEL LEBRIGA.

Asst'g witnesses:
(Signed) JESUS FIGUEROA.
(Signed) SATURNINO CAREAGA.

The title was annexed, and the foregoing act was notified to Doña Concepcion Boronda, whereupon she requested that those originals be delivered to her to repair to Monterey as directed, and she signed it.

(Signed) C. BORONDA.

(Signed) LEBRIJA.

On the same day, and on three written leaves, these documents were delivered to the party.

I enter it. (Lebrija's Rubric.)

198 [Original.]

## EXHIBIT XXXVII.—*San Jose.*

El Ciudadano Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
de Californias.

Por cuanto los Señores Don Andres Pico y Don Juan Bautista Alvarado se han presentado como compradores del Eetablecimiento ó Mision de San José, y con arreglo à la facultad concedida á este Gobierno Departamental en trece de Abril del presente año, por la E. Asamblea, y en uso de las que me concede el Supremo Gobierno General, á nombre de la nacion Mejicana, y de conformidad con la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828; he venido en declarar, como declaro à los expresados Señores dueños en propiedad del dicho establecimiento y bajo las condiciones siguientes:

1a. Pertenece, en venta real y personal para siempre jamas à los Señores Don Andres Pico y Don Juan Bautista Alvarado, el Establecimiento ó Mision de San José, con sus terrenos, bienes raices y semovientes, y demas muebles existentes, confor me al inventario hecho por la comision que nombró este Gobierno.

2a. Se exceptuan de esta venta la casa cural, que consta de seis piezas con el local que á ella pertenece ó le està señalada quedando á beneficio del R. P. Misionero.

3a. Pagarán los expresados Señores Pico y Alvarado al Gobierno Departamental, por la venta del relacionado establecimiento ó Mision de San José, la cantidad de doce mil pesos en metalico como valor

convenido en contrata formal, quedando á su beneficio las cantidades que se le deban al dicho establecimiento, asi como tambien pagaràn à los acreedores las que deba el establecimiento, pues està convenido por la presente contrata que serà de su precisa obligacion el chancelar aquellas cuentas de una manera definitiva.

199 4a. Podran los interesados cerrar, cercar ò acotar sus terrenos sin perjudicar las travesias, camios y servidumbres; lo disfrutarán libre y exclusivamente, haciendo de èl, el uso que mejor les conviniera á su aprovechamiento.

5a. Pediràn los interesados, al Juez que corresponda, la posesion judicial de dicho establecimiento en virtud de este titulo por la cual se les demarcaràn los linderos con las mojoneras de estilo, quedando en la precisa obligacion de levantar el respectivo diseño y agregarlo al presente Titulo.

Por tanto, mando, que el presente Titulo se tenga por firme y valedero, sirviendo de autentica escritura para la seguridad de los referidos compradores. Se tome razon de èl en el libro à que corresponda, y se les entregue à los interesados para su resguardo y demas fines.

Es dado en la Ciudad de Los Angeles, Capital del Departamento de Californias, en papel comun por falta de sellado, à los cinco dias del mes de Mayo del año de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynt' o.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXVII.—*Title to San Jose mission.*

Citizen Pio Pico, constitutional governor of the department of Californias:

Governor of the Dep.
[EAGLE.]
of the Californias.

Whereas, Señores Andres Pico, and Juan Bautista Alvarado have appeared as purchasers of the establishment or mission of San Josè, and in accordance with the power vested in this departmental government on the 13th day of April, of the present year, by the
200 excellent assembly, and in exercise of those conferred on me
by the supreme general government, in the name of the Mexican nation, and in conformity with the law of the 18th of August, 1824, and the regulations of the 21st November, 1828, I have thought proper to declare, as I do declare, the aforesaid señores owners in fee simple of said establishment, and under the following conditions:

1st. The establishment or mission of San José belongs to Señores Andres Pico and Don Juan Bautista Alvarado, by title of real and personal sale, in perpetuity, together with its lands, real estate, live stock, and other existing movables, according to the inventory made by the commissioners appointed by this government.

in the said petition is legal whereupon to prosecute the continuation of the cause. Let that be annexed to and preceding this. Thus:

I, citizen Angel Lebriga, first alcalde of this municipality, decreed, ordered, and signed, with my assisting witnesses. I attest:

(Signed) ANGEL LEBRIGA.

Asst'g witnesses:
(Signed) JESUS FIGUEROA.
(Signed) SATURNINO CAREAGA.

The title was annexed, and the foregoing act was notified to Doña Concepcion Boronda, whereupon she requested that those originals be delivered to her to repair to Monterey as directed, and she signed it.

(Signed) C. BORONDA.

(Signed) LEBRIJA.

On the same day, and on three written leaves, these documents were delivered to the party.

I enter it. (Lebrija's Rubric.)

198 [Original.]

## EXHIBIT XXXVII.—*San Jose.*

El Ciudadano Pio Pico, Gobernador Constitucional del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
de Californias.

Por cuanto los Señores Don Andres Pico y Don Juan Bautista Alvarado se han presentado como compradores del Eetablecimiento ó Mision de San José, y con arreglo à la facultad concedida á este Gobierno Departamental en trece de Abril del presente año, por la E. Asamblea, y en uso de las que me concede el Supremo Gobierno General, á nombre de la nacion Mejicana, y de conformidad con la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828; he venido en declarar, como declaro á los expresados Señores dueños en propiedad del dicho establecimiento y bajo las condiciones siguientes:

1a. Pertenece, en venta real y personal para siempre jamas à los Señores Don Andres Pico y Don Juan Bautista Alvarado, el Establecimiento ó Mision de San José, con sus terrenos, bienes raices y semovientes, y demas muebles existentes, confor me al inventario hecho por la comision que nombró este Gobierno.

2a. Se exceptuan de esta venta la casa cural, que consta de seis piezas con el local que á ella pertenece ó le està señalada quedando á beneficio del R. P. Misionero.

3a. Pagarán los expresados Señores Pico y Alvarado al Gobierno Departamental, por la venta del relacionado establecimiento ó Mision de San José, la cantidad de doce mil pesos en metalico como valor

convenido en contrata formal, quedando á su beneficio las cantidades que se le deban al dicho establecimiento, asi como tambien pagaràn à los acreedores las que deba el establecimiento, pues està convenido por la presente contrata que serà de su precisa obligacion el chancelar aquellas cuentas de una manera definitiva.

199 4a. Podran los interesados cerrar, cercar ò acotar sus terrenos sin perjudicar las travesias, camios y servidumbres; lo disfrutarán libre y exclusivamente, haciendo de èl, el uso que mejor les conviniera á su aprovechamiento.

5a. Pediràn los interesados, al Juez que corresponda, la posesion judicial de dicho establecimiento en virtud de este titulo por la cual se les demarcaràn los linderos con las mojoneras de estilo, quedando en la precisa obligacion de levantar el respectivo diseño y agregarlo al presente Titulo.

Por tanto, mando, que el presente Titulo se tenga por firme y valedero, sirviendo de autentica escritura para la seguridad de los referidos compradores. Se tome razon de èl en el libro à que corresponda, y se les entregue à los interesados para su resguardo y demas fines.

Es dado en la Ciudad de Los Angeles, Capital del Departamento de Californias, en papel comun por falta de sellado, à los cinco dias del mes de Mayo del año de mil ochocientos cuarenta y seis.

PIO PICO.

Jose Matias Moreno, *Srio. Ynt' o.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

Exhibit XXXVII.—*Title to San Jose mission.*

Citizen Pio Pico, constitutional governor of the department of Californias:

Governor of the Dep.
[EAGLE.]
of the Californias.

Whereas, Señores Andres Pico, and Juan Bautista Alvarado have appeared as purchasers of the establishment or mission of San Josè, and in accordance with the power vested in this departmental gov-
ernment on the 13th day of April, of the present year, by the
200 excellent assembly, and in exercise of those conferred on me
by the supreme general government, in the name of the Mexican nation, and in conformity with the law of the 18th of August, 1824, and the regulations of the 21st November, 1828, I have thought proper to declare, as I do declare, the aforesaid señores owners in fee simple of said establishment, and under the following conditions:

1st. The establishment or mission of San José belongs to Señores Andres Pico and Don Juan Bautista Alvarado, by title of real and personal sale, in perpetuity, together with its lands, real estate, live stock, and other existing movables, according to the inventory made by the commissioners appointed by this government.

2d. There is excepted from this sale the parsonage, consisting of six rooms, with the ground thereto belonging or assigned, the same being for the benefit of the reverend missionary father.

3d. Said Señores Pico and Alvarado shall pay to the departmental government for the sale of the said establishment or mission of San José, the sum of twelve thousand dollars in cash, as the value agreed by formal contract, having for their benefit the sums due said establishment. They shall also pay to the creditors the sums which said establishment may owe, as it is agreed by the present contract that they shall be bound to cancel those accounts in a definite manner.

4th. The parties interested may enclose, fence, or set bounds to their lands, without interfering with the cross-roads, highways, and easements, (servidumbres.) They shall enjoy it freely and exclusively, putting it to the use which may most conduce to their profit.

5th. The parties interested shall ask of the proper judge the judicial possession of said establishment by virtue of this title, by whom the boundaries shall be marked out with the customary landmarks, they being bound to make the corresponding plan and attach it to the present title.

Therefore, I order that the present title be held as firm and valid; serving as an authentic deed for the security of the said purchasers,
that it be recorded in the proper book, and delivered to the
201 interested party for their security, and other purposes.

Given in the city of Los Angeles, capital of the department of the Californias, on common paper, there being none stamped, on the 5th day of May, in the year one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, *Secretary pro tem.*

Note of this superior title has been made in the respective book.

MORENO.

[Original.]

## EXHIBIT XXXVIII.—*Mision de la Soledad.*

Office of the U. S Suv'r Gen'l,
California. State papers, vol. xi,
Missions, 1830—1846, p. 955.

**El cuatro de Enero de 1846, se vendiò à Dn. Feliciano Soberanes la Fabrica de la Mision de la Soledad, que se compone de una sala y tres cuartos, asi como la huerta y viña de la expresada ex-Mision, en la cantidad de ochocientos y mas pesos que le adeuda la hacienda publica por suministros que hizo à las divisiones de los Senores Comandantes, Generales Dn. Manuel Micheltorena y Dn. José Castro; y en la misma fecha se le extendio el titulo de propiedad.**

**Pio Pico, Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias:**

**Gobierno del Depto.**
**[EAGLE.]**
**De Californias.**

**Por cuanto Dn. Feliciano Soberanes ha pretendido comprar para**

su heneficio personal y el de sn familia la fabrica de la ex-Mision de la Soledad que se compone de una sala y tres cuartos, el terreno, la huerta, y la viña de la expresada ex-Mision, mediante la can- 202 tidad de ochocientes y mas pesos que le adeuda la hacienda publica y nacional por suministros que hizo à las divisiones de los Señores Comandantes Generales, Don Manuel Micheltorena y Don José Castro; en uso de las facultades que me confirio la Exma. Asemblea Departmental en su acuerdo relativo de 4 del Julio del año pasado de 1845, y considerando que lo perteneciente à la ex-Mision de la Soledad se encuentra en un estado de ruina y abandono, declaro por las presentes letras, que el mencionado Don Feliciano Soberanes es dueño legalmente, y legitimo comprador de las expresadas fabrica, tierra, huerta y viña de la ex-Mision de la Soledad, mediante cesion que el repetido Soberanes hace à favor de la Nacion de mencionada cantidad de ochocientos y mas pesos que le adeuda la hacienda publica; pudiendo, desde ahora y en virtud de este despacho, tomar la posesion de dichas fabricas, tierra, huerta y viña; en la inteligencia que se excluye la Yglesia de dicha ex-Mision, la que quedarà à disposicion del Ylmo. Señor Obispo. El terreno que en virtud de las presentes letras pasa à la propiedad del Señor Soberanes, es de la extension de dos sitios de ganado mayor y colinda por la parte del norte con tierras del Rancho de Lugo, y por el sur con un aliso que està inmediato al arroyo seco.

Por tanto, mando que teniendose el presente por titulo firme y valedero, se tome razon de èl en el libro de asientos sobre adjudicaciones de terrenos valdios, y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de Los Angeles, en este papal comun por falta absoluta del sellado, à cuatro de Enero de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut supra.*

COVARRUBIAS.

203 **[Translation.]**

## EXHIBIT XXXVIII.—*Mission of La Soledad.*

On the fourth of January, 1846, was sold to Don Feliciano Soberanes. the building of the mission of La Soledad, embracing one parlor and three rooms, as well as the orchard-garden and vineyard, of the aforesaid ex-mission, for the sum of eight hundred and odd dollars due him from the public revenue for supplies that he furnished to the divisions of the Commanders General Don Manuel Micheltorena and Don José Castro; and on the same day the deed of ownership was granted to him.

Pio Pico, senior member of the departmental assembly, and provisional governor of the Californias:

{ Governor of Dep.
[EAGLE.]
of the Californias. }

Whereas Don Feliciano Soberanes has solicited to purchase, for his personal benefit and that of his family, the building of the ex-mission of La Soledad, comprising a hall and three rooms, the land, orchard, and vineyard of said ex-mission, for the sum of eight hundred and odd dollars, owing to him by the public and national revenue, for supplies furnished by him to the divisions of Commandants Generals Don Manuel Micheltorena and Don José Castro:

In virtue of the powers conferred upon me by the most excellent departmental assembly by its decree respecting the matter dated July 4th of last year, 1845, and considering that the property belonging to the ex-mission of La Soledad is in a state of ruin and abandonment, I do declare by these present letters that the said Don Feliciano Soberanes is the legal owner and legitimate purchaser of the said building, land, orchard, and vineyard of the ex-mission of La Soledad in consideration of the cession which said Soberanes makes in favor of the nation of the said amount of eight hundred and odd dollars, owing to him by the public revenue, he being at liberty from this date, and by virtue of this title, to take possession of
204 said buildings, land, orchard, and vineyard, it being understood that the church is excluded, this being left to the disposal of the most illustrious bishop.

The land which is transferred to the ownership of Señor Soberanes by virtue of these present letters is of the extent of two square leagues, (sitios de ganada mayor,) and is bounded on the north by lands belonging to Lugo's rancho; on the south by an alder tree, situated near the Arroyo Seco.

I therefore command that, these presents being held as a firm and valid title, a record thereof be made in the book of entries respecting the adjudication of vacant lands, and be delivered to the party interested, for his security and further ends.

Given in the city of Los Angeles, on this common paper, on account of the absolute want of sealed paper, on this fourth day of January, A. D. 1846.

(Signed) PIO PICO.

(Signed) JOSE MA. COVARRUBIAS, *Sec'y.*

A record of this title has been made in the respective book.

COVARRUBIAS.

[Original.]

### EXHIBIT XXXIX.—*Mision de San Rafael.*

Pio Pico, Gobernador Constitucional del Departamento de Californias:

{ Gobierno del Depto.
[EAGLE.]
De Californias. }

Por cuanto los Señores Antonio Suñol, Antonio Ma. Pico se pre-

sentaron à este Gobierno solicitando se les dé en legitima posesion la
Mision de San Rafael con los terrenos que le pertenencen en pago de
ocho mil pesos con que han auxiliado al mismo Gobierno para
205 urgencia à mas de quedar obligados à pagar à los acreedores
las deudas que tenga el establecimiento en los terminos mas
oportunos; teniendo en consideracion los perjuícios que los interesados han tenido por el estado de la satisfacion de aquella deuda, y que las fincas estando en un abandono total no pagarian á los dichos acreedores, he venido en concederles à los expresados Señores la mencionada Mision con sus pertenencias exceptuando las casas que sirven de habitacion al Padre, La Yglesia y sus pertenencias; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional y por decreto de la Honorable Asamblea Departamental de fecha trece de Abril de este año, declaro por las presentes letras à los Señores ante dichos dueños en propiedad de la referida Mision en los terminos que quedan estipulados.

En consecuencia mando, que teniendose el presente titulo por firme y valedero, se tome razon de èl en el libro à que corresponde, y se entregue à los interesados para su resguardo y demas fines.

Dado en la Cuidad de los Angeles, en papel comun por no haber sellado, á los ocho dias del mes de Junio de mil ochocientos cuaranta y seis.

(Signed) PIO PICO.

(Signed) Jose Matias Moreno, *Srio. Ynto.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

(Signed) MORENO.

206 [Translation.]

## Exhibit XXXIX.—*Mission of San Rafael.*

Pio Pico, constitutional governor of the department of the Californias

Government of Dep.
[EAGLE.]
of the Californias.

Inasmuch as Señores Antonio Suñol and Antonio Maria Pico have presented themselves to this government, soliciting that legal possession may be given them of the mission of San Rafael, with the lands belonging thereto, in payment of eight thousand dollars, with which they have assisted the said government, in its necessities, besides binding themselves to pay the creditors the debts due by the establishment in the most opportune manner; taking into consideration the injuries which the said parties have sustained from the non-payment of the said debt, and the said property being in such a state of ruin that it would not pay the said creditors, I have determined on granting to those gentlemen the said mission and its appurtenances, except the houses which serve the priest for dwelling in, and the

church and its appurtenances; exercising, therefore, the powers with which I am invested by the supreme national government and by the decree of the honorable departmental assembly bearing date the thirteenth day of April of this year, I declare, by these presents, the aforesaid señores owners in their own right of the said mission on the terms stipulated.

Consequently, I order that the present title being held for firm and valid, note of it be taken in the corresponding book and afterwards it be delivered to the said señores for their security and other purposes.

Given at the city of Los Angeles, on common paper from there being none sealed, the eighth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

JOSE MATIAS MORENO, *Secretary ad interim.*

207 Note has been taken of this gubernatorial document in the respective book.

(Signed) MORENO.

[Original.]

EXHIBIT XL.—*Huerta de la mission de Santa Clara.*

Pio Pico, gobernador constitucional del departam'to de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones à fin de evitar la total ruina de ellas, y proporcionar al gobierno recursos que de pronto necesita para atender à sus urgencias, y en vista de la solicitud de los ciudadanos Juan Castañeda, Luis Arenas, y Benito Diaz, en que pretenden comprar la huerta de arboles frutales de la Mision de Santa Clara, con las casas que le son anexas, ubicada al frente del establecimiento; usando de las facultades con que me hallo investido per el Supremo Gobierno Nacional y Decreto de la expresada Honorable Asamblea de 13 de Abril ultimo; he venido en hacer venta y enagenacion perpetua de la expresada huerta à los referidos Señores Juan Castañeda, Luis Arenas, y Benito Diaz, en la cantidad de mil doscientos pesos, que han pagado, y recibido este Gobierno à su satisfacion, de conformidad con el avalúo que de ella hizo la Comision de Misiones, el que he tenido à bien moderar por el demerito en que actualmente se halla la referida huerta.

Y para la debida constancia en todos tiempos, doy este documento, como en formal escritura, que serà reconocido y acatado por todas las autoridades civiles y militares de la Nacion, en este y en los demas Departamentos, y aun por el Gobierno General, autorizado debidamente con mi firma y la del Secretario de mi Despacho.

En consecuencia mando que, teniendose el presente titulo
208 por firme y valedero, se tome razon de èl en el libro que corresponda, y se entregue à los interesados para su resguardo y usos que les convenga.

El Jues respectivo, en vista de este titulo, los pondrà en posesion de la mencionada huerta, de que les harà formal entrega el encargado del establecimiento, à quien seà librarà orden al efecto.

Dado en la Ciudad de Los Angeles, en papel comun por falta de sellado, à los trienta dias del mes de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.

Jose Matias Moreno, *Srio. Ynto.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

(Signed) MORENO.

**[Translation.]**

Exhibit XL.—*Orchard of the mission of Santa Clara.*

Pio Pico, constitutional governor of the department of the Californias:

Government of dept.
[EAGLE.]
of the Californias.

Having been previously authorized by the most excellent departmental assembly, to alienate the missions for the purpose of preventing their total ruin, and to provide for the government means which it needs immediately to meet its urgent necessities, and in view of the petition of the citizens Juan Castañeda, Luis Arenas, and Benito Diaz, in which they propose to purchase the orchard-garden of the mission of Santa Clara with the houses pertaining to it, situated in front of the establishment; using the powers in me vested by the supreme government of the nation, and the decree of
209 the said honorable assembly of the 13th of last April, I have hereby made sale and perpetual alienation of the said orchard-garden to the said Señores Juan Castañeda, Luis Arenas, and Benito Diaz, for the sum of one thousand two hundred dollars, which they have paid and which this government has received in full satisfaction therefor, in conformity with the appraisement of the same by the committee on missions, which I have thought proper to diminish, on account of the bad condition in which the said orchard-garden now is.

And for the proper authentication thereof hereafter forever, I give this document as a formal deed, which shall be recognised and respected by all the civil and military authorities of the nation, in this and in the other departments, and also by the general government, duly attested with my own signature and that of my secretary of state.

In consequence, I order that the present title being held firm and valid, an entry thereof be made in the proper book, and it be delivered to the persons interested for their own security and convenient purposes.

The proper magistrate, on presentation of this title shall put them in possession of the said orchard-garden, a formal delivery of which

will be made to them by the person in charge of the establishment, to whom orders to that effect will be issued.

Given in the city of Los Angeles, on common paper for want of stamped, on the thirtieth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO, *Sec'y ad interim.*

An entry of this superior despatch has been made in the respective book.

(Signed) MORENO.

210 [Translation.]

EXHIBIT XLI.

MINISTRY OF WAR AND MARINE,
*Section of Principal.*

EXCELLENCY: To the general commander of California, I this day communicate as follows:

"The preparations which the United States are making, and the approach of the naval forces towards our ports, leave no doubt that war with that power is about breaking out, and as his excellency the President *pro tem.* is resolved to sustain the rights of the nation, he wishes that in all the ports of the republic where the enemy may present itself, a rigorous defence be made, capable of giving honor and glory to the national flag. For that object and until the supreme government appropriates and sends you the necessary means, it relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for the defence of that department, for which purpose you and his excellency 'are invested with full powers.'

And I have the honor to transcribe the same to you, for your cognizance, hoping that you on your part, will leave no efforts to preserve entire the rights of the nation.

God and liberty. Mexico, March 10, 1846.

TORNEL.

To his excellency the governor of
the department of the Californias."

This is a true copy of the original which remains in my possession, and to which I refer.

Angeles, September 30, 1852.

(Signed) PIO PICO.

211 [Original.]

EXHIBIT XLII.—*Titulo VII.*—*Gobierno de los departamentos.*

(Extract of Mexican Constitution of 1843.)

Articulo 134. Son facultades de las Asambleas Departamentales:

1a. Establecer arbitrios para completar sus gastos ordinarios, ó para hacer los extraordinarios que determinen segun sus facultades, con

aprobacion del Congreso, sin perjuicio de llevarlos á efecto inmediamente que los decreten. El Presidente de la República puede suspender la ejecucion de estos arbitrios, dando cuenta sin demora al Congreso.

2a. Arreglar la inversion y contabilidad de la hacienda del departmento.

3a. Crear los empleados necessarios para la recaudacion y distribucion de la hacienda departmental, asignarles sus dotaciones, y reglamentar las obligaciones de los empleados.

4a. Crear fondos para establecimientos de instruccion, utilidad ó beneficencia publica, con los requisitos designados en la atribucion primera.

5a. Decretar lo conveniente, y conforme à las leyes, respecto de la adquisicion, enagenciones y permutas de bienes que pertenezcan al comun del departamento. Sobre enagenciones de terrenos se observaràn las leyes vigentes, y lo que determinen las de colonizacion.

6a. Disponer la apertura y mejora de los caminos del Departamento, y cuidar de su conservacion, estableciendo en ellos peages para cubrir sus costos; entendiéndose esta atribucion sin perjuicio de lo que dispongan las leyes sobre caminos generales.

7a. Fomentar la enseñanza pùblica en todos sus ramos, creando y dotando establecimientos literarios, y sujetàndose à las bases que diere el Congreso sobre estudios preparatorios, cursos, exàmenes y grados.

8a. Crear y reglamentar establecimientos de beneficencia, correccion ó seguridad.

212 9a. Reglamentar el contingente de hombres que para el ejèrcito deba dar el departamento.

10a. Hacer la division política del territorio del departamento, establecer corporaciones y funccionarios municipales, expedir sus ordenanzas respectivas, y reglamentar la polcía municipal, urbana y rural.

11a. Cuidar de la salubridad pùblica y reglamentar lo conveniente para conservarla.

12a. Fomentar la agricultura, industria, y demas ramos de prosperidad, segun sus facultades.

13a. Aprobar los planes de arbitrios municipales, y los presupuestos anuales de los gastos de las municipalidades.

14a. Establecer y organizar los tribunales superiores y jusgados inferiores, respetando la propiedad de los actuales magistrados y jueces, y reglamentar el ejercicio de sus funciones, sin alterar el órden de procedimientos que disponen ó dispusieren las leyes.

15a. Hacer al Congreso iniciativas de ley en uso de la facultad que les da el Arto. 53.

16a. Consultar al Gobernador en todos los asuntos en que este lo exiga, y tambien en los que deba hacerlo conformé à estas bases, y à las leyes.

17a. Proponer al Gobierno Supremo una lista de todas las personas que le parezcan à propósito, y que no sean menos de cinco, para el nombramiento de Gobernador. En los departamentos fronterizos no tendrà obligacion el Gobierno de sujetarse à esta lista, y sucederà lo

mismo cuando en algun otro departamento, y en caso extraordinario, lo acordare el Congreso por iniciativa del Presidente.

18a. Hacer las elecciones segun estas bases, de Presidente de la Republica, individuos de la Suprema Corte de Justicia y Senadores.

19a. Decretar la fuerza de policía que debe haber en el Departamento y reglamentar su servicio, que se reducirà à conservar el orden, cuidar de la seguridad pública, y auxiliar la ejecucion de los mandatos de las autoridades políticas y judiciales. Esta fuerza no gozarà fuero, y deberà estar distribuida en las poblaciones con proporcion a sus necesidades.

213 **[Translation.]**

EXHIBIT XLII.—*Title VII.—The government of the departments.*

Article 134. The powers of the departmental assemblies are:

1st. To establish the means of meeting their ordinary expenditures, or of making those that are extraordinary, which they may direct according to their powers, with the approbation of the congress, without prejudice to carry them into effect immediately after they shall be decreed. The president of the republic may suspend the execution of these means, giving notice, without delay, to congress.

2d. To regulate the receipts and accounts of the treasury of the department.

3d. To appoint the necessary officers for the collection and paying out of the departmental revenue, fix their salaries, and regulate the duties of the officers.

4th. Create funds for the establishment of education, utility, or public benevolence, with the requisites designated in the 1st article.

5th. To decree what may be proper (and conformable to the laws) respecting the acquisition, alienations, and exchanges of the property that may belong to the community of the department. With regard to the alienation of lands, they shall observe the existing laws, and whatever is decreed by the laws of colonization.

6th. To direct the opening and improvement of the roads of the department, and take care of their preservation, establishing thereon toll-gates to cover their cost. This power, it is well understood, without prejudice to what the laws respecting general roads may direct.

7th. Encourge public instruction in all its branches, creating and donating literary institutions, and subjugating them to the regulations called for by congress respecting preparatory studies, courses, examination and grades.

8th. Create and regulate establishments of benevolence, correction, or security.

214 9th. Regulate the contingent of men which the department should furnish the army.

10th. Make the political division of the territory of the department, establish corporations and municipal officers, furnish their respective ordinances, and regulate the municipal city and county police.

11th. Take care of the public health, and make the proper regulations to preserve it.

12th. Encourage agriculture, industry, and other sources of prosperity, according to their powers.

13th. Approve the plans of the municipal expedients and the annual estimates of the expenses of the municipalities.

14th. Establish and arrange the superior tribunals and inferior justices' courts, respecting the authority of the actual magistrates and judges, and regulate the exercise of their functions, without altering the order of proceedings that the laws direct, or shall direct.

15th. To make suggestions of laws to congress, according to the power given by article 53.

16th. Advise the governor in all matters, when he shall demand it, and likewise in those when they should do it conformable to these bases and to the laws.

17th. Propose to the supreme government a list of all the persons that may appear to them fit, and which shall consist of not less than five, for the appointment of governor. In the frontier departments the government shall not be obliged to conform itself to this list, and this shall follow when in any other department, and in any extraordinary case congress shall grant it upon the application of the president.

18th. To make the elections of the president of the republic, members of the supreme court of justice, and senators, according to these basis.

19th. To decree the police force which the department should have, and to regulate its duty, which shall be confined to preserving order, taking care of the public safety, and aiding the execution of the mandates of the political and judicial authorities. This force shall not enjoy any privileges, and shall be distributed among the population according to their necessities.

## 215 EXHIBIT XLIII.

JOSEPH S. ALEMANY, Bishop, etc.
*vs.*
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is valid for the land hereinafter specifically described, and the same is therefore hereby comfirmed to him to hold the same in the capacity and for the uses set forth in his petition; and as to the remaining portion of the premises claimed in the petition, it is adjudged that the claim for the same is not valid, and the same is rejected.

The lands of which confirmation is hereby made, are as follows, to wit:

The land known as the Cañada de los Pinos or college ranch, situated in the county of Santa Barbara, and bounded and described as follows:

Beginning on the north bank of the river Santa Ynez, in front of the Cañada, called by the Indians, "Acmamiquiamè," which south

of the river forms the boundary of the Messrs. Carrillo and Yansen; and on the west of the mission of Santa Ynes there is a marked *alamo*, that serves as a landmark; thence running easterly along the bank of the river, sixteen thousand five hundred varas, terminating at the "Cañada de Aquichumo," where a tree was marked as a bound when the judicial measurement of this land was given by Nicolas A. Den; thence running north sixteen thousand varas to the Sierra de San Rafael; and commencing again at the place of beginning for the western line of said tract of land; the same runs thence north fifteen thousand one hundred varas, till reaching the boundary of the Neophyte Antonio; and thence in an easterly direction to the northern termination of the line, secondly above described, which constitutes the eastern line of said land; excepting and reserving from the premises above described, such portions of said land as belongs to indi-
vidual neophytes or others, at the time juridcal possession was
216 given on the 14th day of April, 1845; being the same premises
described in two grants thereof made by Governor Micheltorena, one on the 16th day of March, and the other on the 26th day of September, 1844, and more particularly described in the testimonial of juridical measurement above mentioned, both of which are on file in this case, and are to be referred to for more particular description of said premises.

The land known as the rancho "Laguna," situated in the county of San Luis Obispo and near the mission of that name, and bounded and described as follows, to wit:

Commencing at some large rocks, which are at the skirt (falda) of the second serro, which forms the "Cañada de los Osos," and running thence in a southwesterly direction along the boundary of Don Maximo Pacheco, on the level land of the Cañada and the lateral hills of the "Cerro de la Majada" five thousand varas; thence southeasterly along the range of hills and the sierra five thousand varas to the mouth of the "Cañada de San Miguelito," designating at that point as a boundary the same mark that designates the boundary of Don Miguel Abila; thence in a northeasterly direction along the skirts of the hills on the same line of the boundary of Don Victor Linares, and in the same direction along the plain to the stone fence in front of the laguna at the point of centre between the two cerros which form the entrance to the plain southwest of the principal building of San Luis Obispo, said line being five thousand varas in length; thence northwesterly along the foot of the two cerros and the edge of the plain in which the lake ("laguna") is situated, five thousand varas to the point of commencement, containing one square league of land—being the same land described in the testimonial of juridical measurement thereof, made by the alcalde, Tomas X. Herrera, September 23, 1845, which is on file in this case, and to which reference is to be had.

The church and the buildings adjoining thereto, erected on three sides of a quadrangle, and constituting the church and mission buildings of the ancient mission of San Diego, in San Diego county, together with the land on which the same are erected, and the cur-

tilage and appurtenances thereto belonging, and the cemetery
217 adjoining the same, and also a garden, situated south of the
buildings abovementioned and a short distance therefrom, enclosed with an adobe wall, and known as the garden of said mission; the said premises being the same designated as "church buildings" and "garden," in the delineation thereof on map numbered one, in the atlas marked "Exhibit No. 1, A. F.," and annexed to the deposition of James Alexander Forbes, filed in this case Nov. 29, 1854, reference to be made thereto for a further description.

The church and the building adjoining thereto, built in a quadrangular form, and constituting the building known as the church and mission buildings of the mission of San Luis Rey, situated in San Diego county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, enclosed with a stone wall and the wall of the church; also the enclosed gardens, one of which is situated nearly south from said quadrangle, and is enclosed by an adobe wall, with the exception of a small portion on the western side, where the enclosure is of branches or sticks; the other is situated in a direction about northwest from said quadrangle, and is enclosed by an adobe wall, said gardens being the same which were formerly used by the priest having charge of said mission. The property above described is the same delineated on map numbered two in the atlas above referred to.

The church and the building nearly adjoining thereto, built in a quadrangular form, which are known as the church and mission buildings of San Juan Capistrano, situated in Los Angeles county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the enclosed cemetery which adjoins the same; also two enclosed gardens, known as the gardens of said mission, both being within five hundred yards of said buildings, and in an easterly and southeasterly direction therefrom, and being the same which are delineated and designated as "orchard" and "orchard and garden," on map numbered three, in the atlas abovementioned.

The church and the buildings adjoining thereto, which are known
as the church and mission buildings of the ancient mission
218 of San Gabriel, situated in Los Angeles county, together with
the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery, enclosed with an adobe wall, and adjoining said church; also an orchard and garden, situated in front and south of said church, at a distance of some seventy or eighty feet from the same, as the same is enclosed with adobe walls and a fence, being the same which was long used by the padres of said mission, and the same laid down on the map numbered four in the atlas beforementioned, as "orchard" and "garden;" also a vineyard, which was used by the said padres as such, situated in a northerly direction from said church, at the distance of about sixteen chains therefrom, and is bounded on the west by a road, and on the other side by an adobe wall and fence, being the same tract of land which is delineated and marked "vineyard" on said map.

The church and the buildings adjoining thereto, erected in the form of a quadrangle, constituting the building known as the church and mission buildings of the mission of San Buenaventura, situated in Santa Barbara county, together with the land on which the same are erected, and that included within said quadrangle, and the curtilage and appurtenances thereto belonging, and the cemetery enclosed by an adobe wall and adjoining the church. Also, a garden, situated southwest of said quadrangle, and at the distance of about one hundred feet from said cemetery, enclosed by an abode wall, being the same used and occupied by the priests of said mission, and the same delineated on map numbered five in the atlas aforesaid, and therein designated by the words "garden and orchard."

The church and the buildings adjoining thereto, built in a quadrangular form, and the house connected with the same by a yard at the southwest corner of said quadrangle, which are known as the church and mission buildings of the mission of San Fernando, situated in the county of Los Angeles, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church.

The church and the buildings adjoining the same, built in a quadrangular form, and constituting the church and mission buildings of
the mission of Santa Barbara, situated in the county of Santa
219 Barbara, together with the land on which the same are situa-
ted, and the curtilage and appurtenances thereto belonging, and the cemetery as enclosed by a stone wall, and adjoining said church, and including the small chapel standing within the limits of said cemetery. Also, a garden known as the mission garden, situated at the distance of about four chains from the most southern part of said quadrangle, the same being enclosed on all sides by an adobe wall, and being the same occupied and used by the priests of said mission. Also, a vineyard situated about twelve miles west of said mission buildings, the fence enclosing the same constituting the boundaries thereof, and being the premises occupied and used many years by the priests of said mission, and well known as the "mission vineyard." The garden and vineyard intended to be confirmed by this decree are the same delineated on the map numbered seven in the atlas before referred to, under the designations of "garden, 16 a, 3 R, 2 P," and "vineyard, 8 a, 8 R, 2 y," and denominated "San Jos ."

The church and the buildings adjoining thereto, erected in the form of a quadrangle, and constituting the church and mission buildings of the ancient mission of Santa Ynes, situated in Santa Barbara county, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging, and the cemetery, as the same is enclosed with its adobe walls, and which adjoins said church. Also a tract of land, situated in an easterly direction from said quadrangle, at a distance of about eight chains therefrom, known as the mission garden, and long occupied by the priests of said mission, with the boundaries as the same is enclosed by fences, and the same is delineated on map numbered eight, in the atlas before mentioned, and there denominated "orchard and garden."

The church and building occupied as a dwelling adjoining it constitutes the church and mission buildings of the mission of La Purisima, situated in Santa Barbara county, together with the land on which the same are erected, and the court-yard fenced in adjoining the buildings in the rear, and the curtilage and appurtenances thereto belonging, and also the cemetery belonging to the said mission, with the limits as established by the adobe wall by which the same 220 is surrounded, including, however, within the limits the land covered by the old church now in ruins. Also, a garden situated about half a mile northwest of said building, known as the mission garden, with the fence by which the same is enclosed for its boundaries, being the same which is delineated on map numbered nine in the atlas before referred to, on which it is designated by the word "orchard."

The church and the buildings adjoining thereto erected in the form of a quadrangle, constituting the building known as the church and mission buildings of the mission of San Luis Obispo, in San Luis Obispo county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining said church, with the boundaries as enclosed by the adobe wall surrounding the same. Also two gardens, known as the mission gardens, and long occupied by the priests of said mission; one of which is situated to the northwest, and the other to the east of said quadrangle, the boundaries thereof being the wall and fence by which the same are enclosed, and including in the latter the passage-way from the mission building to the entrance of the garden as now used. The two gardens are the same as delineated on the map numbered ten, in the atlas above referred to, and the same described in a grant thereof made by Governor Micheltorena, to the rectors of the church of said mission, on the 16th day of July, 1844, to which (being on file in this case) reference is to be had.

The church and the buildings adjoining the same built in the form of two quadrangles, nearly completed, constituting the church and buildings known as the church and mission buildings of the mission of San Miguel, situated in San Luis Obispo county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining said church and buildings, with the boundaries as enclosed by the adobe walls which surround the same; also a vineyard, situated in a northeasterly direction, and at the distance of about three miles from said church, known as the mission vineyard, and called "La Mayor," embracing the land within the limits as they have been known within the enclosure, 221 and as fenced and cultivated by the priests of said mission, being the same premises described in a grant thereof to the rector of the church of said mission by Governor Micheltorena, July 16th, 1844, to which (being on file in the case) reference is to be had.

The church with the buildings which adjoins the same, and those which are situated in immediate proximity thereto, constituting parts of the quadrangle in which said buildings are arranged, which together are known as the church and mission buildings of the mission of San Antonio, situated in the county of San Louis Obispo, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging. Also the cemetery belonging to said mission, and enclosed in adobe walls, and situated a short distance from said quadrangle in a southwesterly direction. Also the vineyard known as the mission vineyard, situated in a southwesterly direction from said church, including the premises enclosed with the adobe walls surrounding the same, being the same delineated on map numbered twelve, in the atlas above mentioned, and designated thereon as the "vineyard." Also the premises known as the garden of said mission, situated at the northeast of the church and buildings aforesaid, and contiguous to them, with the adobe wall surrounding the same for its boundaries; being the premises delineated on the said last-mentioned map, and designated thereon by the word "orchard." Also the flour mills of said mission, erected and occupied by the priests of the said mission, situated about five chains northerly from said vineyard, with the privileges and appurtenances belonging thereto, reference for a more particular description whereof is to be had to the delineation of the same on said map.

The church and the buildings adjoining the same and extending east of it, being the same known as the church and mission buildings of the mission La Soledad, situated in Monterey county, together with the land on which the same are erected, and the enclosure, curtilage, and appurtenances thereto belonging; and also the cemetery near said church and on the west of it, with the limits as defined by the adobe wall which encloses the same. Also the garden of said mission, situated at the west of said church, with the limits as enclosed by an ancient hedge-fence of willows, and an old adobe wall, being 222 the same used and occupied for many years by the priests of said mission, and the same delineated on map numbered thirteen, in the atlas before referred to, under the designation of "orchard." Also a vineyard known as the "mission vineyard," situated about three miles and a half southwest of said mission buildings; the same being situated in a cañada, having for its limits, on the north, south, and west, the precipitous sides thereof, which form a natural boundary, and enclose the same; and on the east side, the narrow gorge which forms the entrance thereto; being the same premises marked "vineyard," and delineated on the last mentioned map.

The church and the buildings adjoining the same, erected on three sides of a quadrangle, being the same known as the church and mission buildings of the mission of El Carmelo, situated in Monterey county, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging; and also the cemetery adjoining to the same, with the limits as fixed and defined by the stone wall enclosing the same. Also the garden of said mission, which is situated about southeast from said church, with the limits as the same is enclosed by the hedge of willows surrounding it, being the same premises marked "orchard" on map numbered fourteen in the atlas before referred to.

The church and the buildings adjoining it, built so as to form portions of the sides of a quadrangle, enclosed on the other part with an adobe wall, constituting the church and mission buildings, with its quadrangle, of the ancient mission of San Juan Bautista, situated in Monterey county, together with the land covered by the same, and the curtilage and appurtenances thereto belonging, and the cemetery, with the extent enclosed within its walls, which adjoins said church; also the premises known as the garden of said mission, situated about three chains northeast from said church, having for its boundaries the embankment and ditch on three sides, and a hedge of willows on the fourth side, by which the same is enclosed, being the same premises laid down on map numbered fifteen in the atlas above referred to, and thereon designated by the word "orchard." Also the premises known as the mission vineyard, situated about eighty-four chains
southeast from said church, embracing the land used for many
223 years by the priests of said mission as a vineyard, and enclosed
by a ditch and the remains of an adobe wall, it being the same delineated on map numbered fifteen, and marked "vineyard."

The church and the buildings adjoining the same, constituting the church and mission buildings of the mission of Santa Cruz, in Santa Cruz county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery as the same is enclosed by its adobe walls, which adjoins said church and buildings. Also the premises adjoining said buildings and their curtilage and said cemetery, and situated to the north and east of the same, known as the mission garden, and enclosed partly by a ravine and partly by adobe walls, the same being the premises delineated on map numbered sixteen in the atlas before referred to, and there designated by the term "orchard."

The church and the building adjoining the same, built in the form of a quadrangle, and known as the church and mission buildings of the mission of Santa Clara, situated in Santa Clara county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, with the limits embraced by the adobe walls surrounding it and the building above mentioned to which it adjoins. Also the premises known as the vineyard of said mission, situated on the south side of said quadrangle and adjoining said buildings, within the enclosure of the adobe walls by which it is surounded, being the same premises delineated on map numbered seventeen in the atlas before referred to, where it is designated by the term "vineyard." Also the premises known as the garden or orchard of said mission, situated northeast from the church and distant about sixteen and a half chains, and enclosed with an adobe wall which define its boundaries, the same being delineated and represented on said map numbered seventeen by the term "orchard."

The church known as the mission church of the mission of San José, situated in the county of Santa Clara, together with the land on which the same is erected, with the curtilage and appurtenances thereto belonging, and also the cemetery which adjoins said church

on the north side thereof, embracing all the land within the
224 adobe wall which forms its exterior lines. Also the garden of
said mission which adjoins said church, including the area
which is surrounded by an adobe wall, excepting a portion at the northeast corner, where the boundary is a fence, being the same premises delineated and designated by the term "vineyard" on map numbered eighteen in the atlas before referred to. Also another parcel of land situated at the distance of five chains south of the premises last described, which is also known as the mission garden or orchard, the boundaries of the same being the adobe wall by which the same is enclosed, and the same premises marked "orchard" on the map last mentioned. Also the cemetery, which is situated at the west side of said church and distant about seventy-four chains from it, enclosed by an adobe wall, and being the same delineated on the map last mentioned, (in the southeast corner of said map,) and marked "cemetery."

The church and the buildings adjoining it, being the same which are known as the church and mission buildings of the mission of San Francisco, in the county of San Francisco, commonly called the mission Dolores, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; and the cemetery adjoining according to its ancient limits and boundaries; also the premises known as the mission garden, lying in the rear of said church adjoining the same and the cemetery abovementioned, with the ancient limits and boundaries of the same as used and occupied by the priests of said mission; and also another garden of said mission, situated in front of said church and on the opposite side of the street, with the ancient limits and boundaries of the same as long used and occupied by said priests; reference for the description of these two last-mentioned parcels of land to be had to the map numbered nineteen in the atlas beforementioned, where the same is delineated, each parcel being designated by the word "garden."

The church and the buildings adjoining the same, being the same known as the church and mission buildings of the mission of San Rafael, situated in Marin county, together with the land on which
the same are erected, and the curtilage and appurtenances
225 thereto belonging, and the cemetery adjoining them, with the
area which is enclosed by the fence surrounding the same; also the mission garden, which is situated about ten chains in an easterly direction from said church, the boundaries thereof being the adobe wall, by which the same is enclosed, and being the same premises which are delineated on map numbered twenty in the atlas before referred to, (extending to the north, however, only to the line marked thereon "ruins of adobe walls,") and designated by the word "vineyard."

The church and the buildings adjoining the same, known as the church and mission buildings of the mission of San Francisco Solano, situated in the town of Sonoma in Sonoma county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; also the garden or vineyard, situated about fourteen and a half chains from the building aforesaid, and in an easterly direction, called the mission vineyard, with its ancient limits and boundaries as occupied and used by the priests of said mission, being the same delineated on map numbered twenty-one, and designated by the word "vineyard."

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
*Commissioners.*

Filed in office Dec. 18, 1855.

GEO. FISHER, *Sec'y.*

UNITED STATES OF AMERICA,
*State of California, southern dist. of Cal.*

I, C. Sims, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing to be a true, full, and correct copy of the original as the same appears of file in my office.

In witness whereof I hereunto set my hand and affix the seal of [SEAL.] said court, this 18th day of December, A. D., 1858.

C. SIMS, *Clerk.*
Per W. W. STETSON, *Deputy.*

226 EXHIBIT XLIV.

In the district court of the United States for the southern district of California.

THE UNITED STATES
*vs*
JOSEPH S. ALEMANY. } No. 388.—Trans. No. 609.

In pursuance of a notice from the Attorney General of the United States, it is hereby stipulated and agreed, that the appeal heretofore taken from the decision of the United States land commission in this case, be dismissed, and the notice of intention to prosecute said appeal be withdrawn; and that claimant have leave to proceed under the said decision of the United States land commission, heretofore rendered in his favor, as under a final decree.

P. ORD,
*Dist. attorney U. S. for south. dist. of Cal.*
EUGENE CASSERLY,
*Attorney for J. S. Alemany, claimant.*

UNITED STATES OF AMERICA,
*State of California, southern dist. of Cal.*

I, C. Sims, clerk of the district court of the United States for the southern district of California. do hereby certify the foregoing to be a true, full, and correct copy of the original as the same appears of file in my office.

In witness whereof I hereunto set my hand and affix the seal [SEAL.] of said court, this 18th day of December, A. D. 1858.

C. SIMS, *Clerk.*
Per W. W. STETSON, *Deputy.*

227 Filed in office this 21st day of April, A. D. 1859.

C. SIMS, *Clerk.*

*Stipulation.*

228 United States district court, June term, at Monterey, 1859.

THE UNITED STATES, appellant,
*vs.*
WM. CAREY JONES, appellee.
} Land case.

In the above stated case it is agreed that the deposition, taken during this term, of Jose Matias Moreno in the case of William Workman et al. shall be used as evidence in the case of the claim of Wm. Carey Jones.

June 17th, 1859.

J. R. GITCHELL,
*U. S. dist. att'y.*
V. E. HOWARD,
*For claimant.*

Filed 17 June, 1859.

C. SIMS, *Cl'k.*
P. A. T. TAYLOR, *Dep'ty.*

Whereupon the following proceedings were had in open court:

*Order for leave to file corrected exhibits.*

United States district court, south'n dist. of California.—Special term, 1859.

LOS ANGELES, *September* 12*th*, 1859.

WM. CAREY JONES, appellee,
*vs.*
THE UNITED STATES, appellant.
} No. 339.

Now, on this day, on motion of I. Hartman, special agent of the United States in land cases, it is ordered by the court that the United States att'ys be allowed to file corrected exhibits of those filed 21st day of April, A. D. 1859, in the mission case numbered on the docket of this court 339.

### *Judgment.*

229 In the United States district court, south'n dist. of Cal'a.
December term, 1860.

MARCH 21st, 1861.

WM. CAREY JONES, appellee,
*vs.*
THE UNITED STATES, appellant.
No. 339.

In this case the parties appearing by their respective attorneys, and the same having been heretofore argued and submitted, the court renders judgment, affirming the decree of the U. S. board of land com's, and confirming the claim of appellees herein.

In the United States district court, south'n dist. of Cal'a.—December term, 1860.

MARCH 31st, 1861.

WM. CAREY JONES, appellee,
*vs.*
THE UNITED STATES, appellant.
No. 339.

Now comes claimants herein and present to the court a decree in accordance with the decision heretofore rendered, and the same being signed by the court, is placed on file.

230 District court of the United States for the southern district of California.

THE UNITED STATES
*vs.*
WM. CAREY JONES,
Claiming the mission of San Luis Rey.
No. 339.

This cause came on to be heard on appeal from the decision of the United States board of land commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved March 3d, 1851, on a transcript and proceedings of said board, and the papers and evidence upon which said decision was made, and the further evidence adduced; and it appearing that notice of intention to appeal has been duly filed, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that the decision of said board of land commissioners be and the same is in all things affirmed.

The lands of which confirmation is made is that which, on the 18th of May, 1846, the date of the grant in this case, composed and pertained to the mission of San Luis Rey and Rancho of Palas, and is bounded as follows: North by Santa Margarita, east by the Sierra of Rauma, south by the Rancho of San Francisco, and west by the sea shore, reference being had to evidence on file in this case for further particulars, and excepting herefrom all valid grants within said boundaries made prior to the date of the grant in this case; also excepting the orchards, vineyards, churches, and buildings belonging to the mission at the date of the grant in this case.

Dated Los Angeles, April 1st, 1861.

ISAAC S. K. OGIER,
*U. S. dist. judge.*

231 Whereupon the following order of appeal was made in open court, to wit:

U. S. dist. court, southern dist. of California.—December term, 1860.

LOS ANGELES, *April* 15, 1861.

WM. CAREY JONES, appellee,
*ads.*
THE UNITED STATES, appellant.
No. 339.

In the matter of an appeal, on motion of J. R. Gitchell, U. S. dist. att'y for the southern dist. of California, it is ordered that an appeal be granted to the Supreme Court of the United States from the order and decree of this court, made April 1st, 1861, confirming the lands claimed in this case to the appellees herein.

232 United States district court, southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, John O. Wheeler, clerk of the United States court for the southern district of California, do hereby certify the foregoing ninety-seven pages, numbered from 1 to 97, both inclusive, together with printed exhibits numbered from 1 to 34, and containing 135 pages, to contain a full, true, and correct transcript of the record of the proceedings, and of the decision of said court, and the papers and evidence on which said decision was founded, on file in my office in case No. 339 on the docket of said court, wherein Wm. Carey Jones is claimant against the United States for the place called mission of San Luis Rey.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of Los Angeles, this 29th day of December, A. D. 1861.

[L. S.]

JOHN O. WHEELER, *Clk.*

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# SUPREME COURT OF UNITED STATES.

No. 197.—December Term, 1862.

THE UNITED STATES, APPELLANTS,

VS.

WILLIAM CAREY JONES, APPELLEE.

## ARGUMENT FOR THE UNITED STATES.

GOVERNMENT PRINTING OFFICE.

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# SUPREME COURT OF UNITED STATES.

No. 197.—December Term, 1862.

THE UNITED STATES, APPELLANTS,

vs.

WILLIAM CAREY JONES, APPELLEE.

ARGUMENT FOR THE UNITED STATES.

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# IN SUPREME COURT OF THE UNITED STATES.

## No. 197.—DECEMBER TERM, 1862.

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APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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THE UNITED STATES, appellants,
*vs.*
WILLIAM CAREY JONES, appellee.

## BRIEF FOR THE UNITED STATES.

### STATEMENT OF THE CASE.

This is an appeal by the United States from the decree of the district court of the United States for the southern district of California. That decree confirms to the appellee his claim to the *mission of San Luis Rey, and to the two ranchos of Pala and San Juan*, with an exterior boundary including *about thirty leagues of land*, with an exception, however, of *all valid grants* within said boundaries made prior to the grant in this case, and of the orchards, vineyards, churches, and buildings belonging to the mission at the date of the grant.

There is *no specification*, however, in the decree of *the valid grants excepted*, or intended to be excepted; so that, *as against the United States*, the confirmation is for "*about thirty leagues of land*," and in any event for "from twelve to fifteen leagues." See testimony of Warner.—*(Printed Record, pp.* 17, 18.*)*

The claim in this case is founded on a pretended *sale* and grant, dated May 18, 1846, alleged to have been made to Don Antonio Cot and Don José Antonio Pico, by Pio Pico, governor of California, for the sum of $2,000 in money and $437 50 in grain, and an agreement on their part to pay the debt of the mission, *in produce*, in four years.

The grant is in these words:

> "Pio Pico, constitutional governor of the department of the Californias.
>
> [GOVERNMENT SEAL.]
>
> "Whereas Don Antonio José Cot and Don José Antonio Pico have presented themselves to this government, *petitioning* that it shall give them a legitimate possession of the *mission of San Luis Rey* and *the rancho Pala*, with the lands which pertain to them, in payment of two thousand dollars in money, and four hundred and thirty-seven dollars and four reals in grain, with which they have assisted the government in its exigencies, they both obligating themselves to

satisfy, *in every description of produce*, the *debt* of the said mission of San Luis Rey in the term of four years: having in consideration the prejudices which the interested parties have had in the delay of the satisfaction of the said debt, and *that the edifices which are in a total abandonment will not pay the other creditors*, I have come to concede them to the Señors Don Antonio José Cot and Don José Antonio Pico, in virtue of the faculties with which I find myself invested, they remaining responsible to satisfy the debts of the said mission of San Luis Rey in the time which shall offer. And in order that the present document shall have such corresponding *validity, let it be entered and taken account of in the respective book by the señor secretary of despatch, for the security of the interested*, being on common paper for lack of the proper sealed.

"Given in the government house, in the city of Los Angeles, this 18th of May, 1846.

"PIO PICO.

"José Maria Moreno, *Secretary ad interim.*

"Account taken of this superior despatch in the proper book.

"MORENO."

*(Printed Record, p. 29.)*

There is no evidence to show how the sale was made, whether at public or private sale. Even Pio Pico, who was examined as a witness in support of the grant, is silent on this point.

It will be observed that the *grant* is for "the *mission* of San Luis Rey and the rancho of Pala, with the lands which pertain to them." The *claim* filed is for "the ex-mission of San Luis Rey, including *the tracts* of San Antonio de Pala and San Juan."—*(Printed Record, p. 2.)*

That Pala and San Juan were two separate and distinct tracts of land further appears from the following extract from the inventory of sale:

"*Buildings:*

"1. The principal building of the ex-mission.

"1. The house on *the rancho de Pala.*

"1. The house and corral on *the rancho de San Juan.*"

"*Lands:*

"They are composed of that which is bounded by the Sierra de Pauma on the east, on the north by Santa Margarita, on the south by the rancho de San Francisco, and by the beach on the west."—*(Printed Record, p. 41.)*

This inventory, however, was made and delivered *August* 9, 1846, *nearly three months after the date of the grant.*

The decree of confirmation by the district court is according to the boundaries described in the inventory, with this remarkable exception, however: "excepting herefrom all valid grants within said boundaries made prior to the date of the grant in this case; also excepting the orchards, vineyards, churches and buildings belonging to the mission at the date of the grant in this case."—*(Printed Record, pp. 145, 146.)*

This exception is *remarkable*, because there is *no such exception* made in the boundaries of the grant as described in the inventory. This exception is an *after-thought.* The grant should include *all* the land within the boundaries described, or *none.*

The present claimant is the assignee of the original grantees.

To avoid repetition, the other material facts in the case will be noticed in the course of the argument, under their appropriate heads.

### ARGUMENT FOR THE UNITED STATES.

This is another of the mission cases. The *general* positions of the government in regard to that class of cases have already been presented to the court in the cases heretofore argued. It cannot, therefore, be necessary to repeat the arguments in support of them now. If those positions have been or shall be sustained by this court, then this claim also must be rejected:

I. Because the grant on which it is founded being dated May 18, 1846, was made, and purports to have been made, *after* May 13, 1846.

An argument was submitted on this point in the case of the United States *vs.* Workman.

It must be rejected:

II. Because the claim being founded on a *sale*, the grant was made without authority of law, general or special.

The argument on this point has been submitted in the case of the United States *vs.* Arguello, No. 190, Dec. T., 1862, points ii to iv, inclusive, p. 6–15. The same point is, in effect, decided already by the judgment of this court in the case of the United States *vs.* Vallejo, 1 Black's U. S. R., 550–554.

Between this case and that of Arguello there is, however, a difference, in point of fact, as to the *source of authority* under which the power to sell is claimed. In Arguello's case, the governor relied on the authority derived from "the departmental assembly." In this case he relies *generally* on "the faculties with which he finds himself invested."—(See Grant, ante, p. 4.) There is, therefore, *no specification* in the grant itself of the authority under which the sale was made. The claim of authority is *general*. This aspect of this case has been fully met in the argument in Arguello's case, by showing that no authority to make the sale can arise—

1. From the general colonization law of Mexico.
2. From the local enactments of the departmental assembly.
3. From the despatch of Tornell, the minister of war and marine, dated March 10, 1846.

As the authority of the governor to make the sale in this case is specially derived by Pio Pico himself, in his testimony in this case, from that despatch, (Printed Record, p. 5, 6,) it may be useful now to examine that pretence a little more in detail than was done in Arguello's case.

1. In the first place, *the despatch itself is not found among the archives of the government. It is produced from the private possession of the governor;* and he graciously allows a copy of it to be taken and appended as a part of his testimony.—(Printed Record, p. 6.) Beyond this there is no attempt made to *authenticate* it as a *genuine document*. For aught

that appears, it may be as *fraudulent itself* as many of the grants which it is pretended were made under its authority.

2. In the second place, *it is not addressed to the governor at all*, but "*to the señor commandante of the Californias.*"—(Printed Record, p. 30.) It relates to *military* and *not to civil affairs*. It directs a vigorous defence of "all the ports of the republic."

"*For which effect, the supreme government shall give your señoria the necessary aid*, hoping that *your* patriotism and loyalty will *suggest* the means which *you* shall judge opportune for the defence of this department, for which object there will remain ample faculty *to your excellency* and the *governor*."—(Ib.)

It commands a vigorous defence to be made, and it promises *aid from the supreme government*. It addresses the commander-in-chief of the military forces. It emanates from the war department, and is nothing more than a *military order*. It is not pretended that it would have authorized the *commander-in-chief* to have sold these lands. If it conferred that power upon anybody, it conferred it upon *him*. How then can it, with any show of reason, be produced as the warrant of attorney to the *governor* for the sale of the missions? A grosser perversion of authority never was attempted. Admitting the document to be genuine, it may have been communicated to the governor by the commandante for his information, but it never was designed to confer on him the powers now claimed for it. Besides, it is a singular misconception of the requirements of Spanish etiquette and official dignity to suppose that the governor of a department should get his instructions from the supreme government, *not directly*, but *circuitously* and *indirectly*, *through an inferior officer*. The truth is that no such course was pursued. On the 10th of March, 1846, the minister of war and marine gave this *military order* "to the commandante of the Californias." On the 13th, three days afterwards, the supreme government, through the minister of foreign relations, communicated *directly* with Pio Pico, "his excellency the governor of the Californias," by the despatch of that date.—(Printed Record, pp. 85, 87.) Thus we see a *civil* order was sent about the same time *directly* to the governor from the president. But it is not pretended by Pio Pico, nor will it be by counsel here, that the despatch of March 13, 1846, conferred any authority to sell the missions. What, then, becomes of the flimsy pretext that the authority to sell the missions was derived from the despatch of March 10, 1846? It is thus clearly proved to have been an *after-thought*, when we see the governor so hard pressed for authority to sustain himself as to be obliged to clutch at and rely upon a military order not addressed to him, and never designed to confer any authority upon him.

3. In the third place, *the order of March*, 10, 1846, *had not been received in California at the date of the grant.* The date at which the despatch of March 13, 1846, was received and published by the governor, Pio Pico, shows that the despatch of March 10, 1846, must have been received about the same time. They both originated in a critical condition of the country, and within three days of each other. They both required immediate attention, and were both sent to Cali-

fornia probably by the same express. The governor received and published his despatch in a proclamation dated July 4, 1846. The commandante received his probably about the same time; for no reason can be assigned why they should not arrive in California about the same time, or within a few days of each other.

Even admitting, then, for the sake of the argument, that the despatch of March 10, 1846, addressed "to the commandante," conferred powers upon "the governor," it is thus proved by another fact, that it could not have been received in California before July 4, 1846. How, then, can it be claimed as the source of authority for a grant made May 18, 1846?

4. Again: But admitting even that the despatch of March 10, 1846, was received *before* May 18, 1846, and conferred powers on the governor, still the most that can be claimed for them is, that they were *general*, and that the power to sell the missions under them was *inferential* only, vague, and indefinite. Now, it appears by the journal of the departmental assembly that *before* the date of the grant, viz., April 15, 1846, and May 13, 1846, the order of Montesdeoca, dated November 14, 1845, *expressly forbidding* the sale of the missions until further orders were received from the supreme government, had been received by the governor, and communicated by him to the departmental assembly.—(See journal, printed as an appendix to appellant's brief, in The United States *vs.* J. R. Bolton, page 230.) It also appears by the same journal that on the 13th of May, 1846, he submitted, with that order, to the departmental assembly, the question as to what course should be pursued, and that the question was referred to the committee on missions, but that no report was ever made by it on the subject.—(Ib., pp. 236, 237, and after.) And yet we are called upon to believe that only *five* days afterwards this same governor, in violation of the express prohibition of the supreme government not to sell the missions, and in total disregard of his submission of the whole question to the departmental assembly, without waiting to hear from it, and in contempt of it, proceeded to make, and did make, the grant in question. "*Credat judeus Apella,*" or the appell*ee*. The government, the appell*ant*, does not.

In the absence of this *express prohibition* it might have been contended with some degree of plausibility that, supposing the order of March 10, 1846, to have been addressed to the governor, we ought not to scrutinize too closely the acts of the governor done under this *general order;* but with that prohibition before him there can be no plausibility in the argument. The *general* authority was *restrained* by the *particular*.

It will also be noted, as bearing on the fact whether the order of March 10 had been received in California on the 18th of May, that the order of Montesdeoca, dated November 15, 1845, was not received and communicated by the governor to the departmental assembly till April 15, 1846, just *five months* afterwards. We have already seen that the order of March 13, 1846, was not received and published till July 4, 1846, nearly *four months* afterwards. If it took five months in the one case, and four months in the other, it is not likely that the order of March 10, 1846, could have been received in *two* months, that is, *in one-half the usual time.*

III. This claim must be rejected, because Antonio José Cot, one of the joint grantees, was a *foreigner*, and because the land granted lies "within ten leagues of the sea-coast."

The first fact is clearly proved by the testimony of Arguello and Foster, two of the principal witnesses of the claimant.

*Arguello's testimony.*

"10th question. Are you personally acquainted with Antonio José Cot; if yea, do you know of what country he is a native, and whether he has been at any time a Mexican citizen?"

"Answer. I know him; *he is a native of Spain.* I do not know whether he ever was a Mexican citizen.

"11th question. Do you know in what country Mr. Cot has resided with his family?

"Answer. In Lima, and has been living in California several years with his family.

"12th question. *Was he residing in California with his family at the time this grant was made?*

"Answer. *He was not. It is several years since he took his family to Lima.*"—(Printed Record, pages 10, 11.)

*Foster's testimony.*

"How long have you been acquainted with Antonio José Cot?

"I have known him some eighteen or twenty years.

"Of what country is he a native?

"*He is a native of Spain.*

"Did you ever hear of him being naturalized as a Mexican citizen?

"*I never did hear that he was.*"—(Ib., p. 12.)

This testimony, it will be observed, was elicited on the *direct examination*, in the attempt made by the claimant to prove *that he had been naturalized.*

On cross-examination the witness further testified as follows:

"How long have you been acquainted with Antonio José Cot?

"I have known him since the year 1835.

"Have you ever heard of him being naturalized as a Mexican citizen?

"Answer. I never heard that he was naturalized.

"4th question. Have you ever known or considered him as established as a resident *vecino* of California?

"Answer. To the question I say yes; for I know him to be a *vecino* of California for the last four or five years. He was *occasionally* in California as an importing merchant from my first acquaintance for about two years, when he went to South America, from which place he returned to California some time about 1844, to take charge of and close up the commercial business which he himself and the agent Don

Pedro Pedrorena had previously transacted in California. He was also on his return the agent or attorney of the heirs of Juan B. Leandry, in consequence of which, for the management of a large property of said heirs, he *resided* in Los Angeles, where he also transacted some mercantile business and kept a shop, from which time he has resided generally at Los Angeles."—(Ib., p. 14.)

This is all the testimony on this point. But from it we learn these facts: That Cot was a native of Spain; that prior to about 1837 he resided and transacted commercial business in California; that about that year he removed his family to Lima, and continued to live there for seven years, until 1844, when he returned to California to close up his commercial business, *leaving his family in Lima;* that two years afterwards, viz, in 1846, the date of the grant, he was not even living in California; in short, that he was *a foreigner*, occasionally residing in California, as a merchant, but *who was never naturalized.*

The second fact, viz, that the land claimed is "within ten leagues of the sea-coast," is proved by the map, by the boundaries of the claim, and by the testimony of Arguello, Foster, and Warner.—*(See map, and the inventory of sale, ante, p. 4.)*

### *Testimony of Arguello.*

"5th question. What was the length of the mission lands *on the sea-beach*?

"Answer. *About three leagues."—(Printed Record, p. 8.)*

"3d question. What is the *extent* of the land included within the limits mentioned by you?

"Answer. It is about *fifteen leagues long*, and about four leagues wide in the centre; at the ends it is about two leagues wide."—*(Ib., p. 10.)*

### *Testimony of Foster.*

"9th question. Will you examine the annexed map, marked 'A,' and say what tract of land the dotted lines on said map represent?

"Answer. I think the map shown me, marked 'A,' contains a very correct description of said tract, as delineated within the dotted lines which appear on the face of the map.

"10th question. Can you state how far the mission buildings are from the sea-shore?

"Answer. They are about two miles and a half.

"11th question. What is the extent of the rancho Santa Margarita on the side next the mission lands?

"Answer. I assisted in the measurement, and, I think, *the distance is about seven miles."—(Printed Record, p. 14. See also the testimony of Warner, Ib., p. 17.)*

There can be no doubt of the *fact*, therefore, that the great bulk, if not the whole, of the land claimed lies within ten leagues, or thirty miles, of the sea-coast.

The *law* on this point is equally clear and explicit.

If authority to make the grant should be claimed under the colonization act of August 18, 1824, then the grant in this case was illegal and contrary to the 5th section of that act as expounded by this court in The United States *vs.* Arguello.—(18 *Howard, U. S. R.*, 539, 547, 549.)

Under whatever other authority the power to make the grant may be claimed, the grant is invalid, *because it is made contrary to the general law prohibiting foreigners from acquiring or holding lands within the Mexican republic.*

The act of March 12, 1828, provides as follows:

SECTION 6. "Foreigners introduced and established conformably to the laws prescribed, or which shall hereafter be prescribed, shall be under the protection of the laws, and enjoy the civil rights which they concede to Mexicans, *with the exception of that of acquiring landed* (territorial rustica) *property, which, in conformity to existing laws, persons not naturalized cannot acquire.*"

SECTION 11. "Property which shall be acquired by foreigners, not naturalized, *in fraud of the law*, may be denounced by any Mexican to whom it shall be addressed, whatever may be the justification for the fraud."—(2 *Pandectas Hispano Megicanas. De los Estrangeros, N.* 2382, *pp.* 260, 261. *Ib., N.* 2384.)

"*First constitutional law.*

"ARTICLE 13. *A foreigner cannot acquire real estate* (propiedad raiz) *in the republic unless he has been naturalized in it*, married a Mexican, (casare con Megicana,) and, moreover, conformed himself to the regulations prescribed by the law relative to such acquisitions."—*(Ib., p. 262.)*

But, by the decree of March 11, 1842, it was provided as follows:

"*Decree permitting aliens to acquire real estate in the republic.*

"ARTICLE 1. Aliens avencindados, or residing in the republic, can acquire and hold real estate, rustic and urban, by purchase, adjudication, denouncement, or any other title established by law."

If this law stopped here, it would amount to a *general repeal* of the antecedent laws just quoted. But it proceeds:

"ARTICLE 9. *These provisions do not comprehend the departments coterminous with, or on the frontiers of, other nations*, in respect to which *special* laws of colonization will be issued; *without which no real estate can be acquired by aliens, except on the express license of the supreme government of the republic.*"—(Decretos y Leyes for 1842, p. —.)

Now, it must be admitted that California was a "department;" that it had a departmental assembly and governor; that it was *not an interior* but an *exterior* department, "*co-terminous*" with the United States on the north; and that therefore it fell clearly within the exception contained in article 9 of the decree of March 11, 1842, by which foreigners were excluded from the right of acquiring real estate within its limits without an express license from the supreme government of the republic. No such license is pretended in this case.

If, therefore, Cot was a foreigner, then the grant to him of the mission of San Luis Rey and the adjoining lands by Pio Pico, the local governor, without a special license from the supreme governor in his favor was *illegal*, and consequently *invalid.*

The grant cannot be *valid in part* and *invalid in part.* It is valid or invalid as a *whole;* for the interest conveyed to each grantee was an *undivided* interest, "*per mi et per tout.*"

The question now is not whether this court will *enforce a forfeiture* under the Mexican law. It is simply whether a *valid claim* under the laws of Mexico has been presented. The burden of proof is on the claimant; and if he fails to establish his case, and to show it to be *legal*, it becomes *invalid negatively*, from simple want of proof. But it becomes invalid *positively*, and *a fortiori*, when the grant is shown affirmatively to have been made, as the Mexican law expresses it, "*in fraud of the law.*"

Such are the *more general grounds* of objection to the confirmation of this claim, which should insure its rejection without going into the details of the case. But whether they meet the approbation of this court or not, there are other and special *grounds of detail* amply sufficient to cause its rejection, as we proceed to show:

IV. This claim must be rejected, *because the grant is not legally authenticated*. even supposing it to be genuine.

1. It is produced from *the private possession* of the grantees, *without any record evidence of its existence other than the grant itself*, although the grant calls for other record evidence.

2. It purports to be made in answer to a *petition*, yet no *petition* or *expediente* is produced from the archives of the government. "Whereas Don Antonio José Cot and Don Antonio Pico have presented themselves to this government, *petitioning* that it shall give them," &c.—(See Grant, ante, p. 3.) An expediente was offered in evidence in the case of the United States *vs.* Workman *et al.*, a mission case, No. 196, Dec. T., 1862, in which, like this, the claim was based upon an alleged sale.

3. The grant itself *expressly requires that it shall be recorded*, and it purports to have been recorded, yet no record evidence of the fact, other than the grant itself, has been produced.

In answer to this objection, it may be said that the Toma de Razon for the year 1846, in which it should have been recorded, has been lost.—(Printed Record, p. 50.) But it has been expressly and repeatedly decided by this court, that before evidence of this kind can be made available, it must first be shown that the grant was recorded in that book.—(Fuentes's case, 22 Howard U. S. R., 458; Castro's case, 24 ib., 346, 350.) That has not been done in this case. Moreno, the attesting secretary, has not testified, and even if he had, his testimony is judicially ascertained to be so worthless that it would have proved nothing.—(Neleigh's case, 1 Black's U. S. R., 306, 307, 308.)

4. *The testimony of Pio Pico himself*, although it is more direct and positive than usual, (arising possibly from the facts that the lands of the mission adjoin his own, and that there is one of the Pico family in

the case,) *cannot authenticate this grant, in the absence of record evidence to corroborate and sustain him.* This very point was expressly decided at the last term of this court in Neleigh's case, where Moreno, the *secretary*, *swore*, and Pico, the *governor*, *kept silent*.—(1 Black's U. S. R., pp. 298, 308.) It must therefore be equally applicable in this case, where, on the contrary, Pico, the *governor*, *swears*, and Moreno, the *secretary*, *preserves a virtuous silence.*—(See also 22 Howard U. S. R., 443; 23 ib., 543; 24 ib., 346.)

5. Pio Pico cannot supply by oral testimony evidence as to what lands were *intended* to be granted. He says the mission lands had no fixed limits; but that it was *the intention* to convey all the lands which had formerly been occupied by the mission.—(Printed Record, pp. 5, 6.) Nor can an *inventory of sale* made by the grantees themselves, or in their interest, months after the date of the grant, *prescribe the boundaries of a grant indefinite in its terms*, as is attempted in this case.—(Printed Record, pp. 39, 41, 42.)

V. This claim must also be rejected, *because the grant is fraudulent in fact.*

This position is proved by a number of separate and distinct facts and circumstances.

1. It is proved by the whole drift and scope—by the *concurring* and *accumulated* weight of the whole antecedent part of the argument, and more particularly by the facts just enumerated under the previous head—themselves the *common badges of fraud* in California land cases.

2. It is also proved by the fact *that possession did not accompany* and *has not followed the grant.*

Although the grant purports to have been made May 18, 1846, it was never heard of, and no attempt was made to take possession of the mission until July 24, 1846, after the fall of Monterey was known at Los Angeles by the government and its grantees.

The evidence on this point is clear and decided.

Foster, the agent of the grantees to take possession of the mission, is the principal witness on this point.

"Were you acquainted with the circumstances of this sale at the time it was made?

"I was not. *I first heard of the sale when I was requested to take possession of the place.*"—(Printed Record, p. 12.)

"When did you first hear of the sale of this mission to Pico and Cot?

"On my arrival in Los Angeles from my rancho, Colonel Frémont having then been in San Diego five or six days, *in the summer or fall of* 1846, was the first information I had of the sale."—(Ib., p. 13.)

"Was the occupation of California by the forces of the United States known by yourself and Pico at the time when you received the possession of said mission?"

"*I had known that a part of California, that is, Monterey, was in possession of the United States troops at the time.*"

The journal of the departmental assembly, under date of July 24, 1846, shows Pio Pico's knowledge of the fact.

The order given by Pio Pico for the delivery of the mission to the grantees is dated Angeles, July 24, 1846.—(Printed Record, p. 31.)

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The receipt given by Foster for the goods and lands of the mission fixes the *date* of their delivery, viz, August 9, 1846.—(Printed Record, p. 42.)

Here, then, we have the evidence that no attempt was made to take possession of the land granted from May 18 to August 9, 1846, and then not until after the news of the fall of Monterey.

But more than this: the possession taken was merely *colorable.* Neither of the grantees was ever in actual possession before the American troops took possession of the mission.

Marron, who acted as the agent of the government of California, occupied the adjoining ranch on the south, and held nominal possession for the government. When he surrendered the possession to Foster, as agent of the grantees, *Foster immediately returned the possession again to Marron, as agent for the grantees.* Foster testifies: "Marron was the government agent from whom I received the mission, and *the same person I left there as agent for Pico and Cot.*"—(Printed Record. p. 7.)

"Neither Pico nor Cot have, to my knowledge, lived at the mission since its delivery to me, as their occupancy was disputed by government. I mean by this, that Col. Frémont expelled Marron from the mission."—(Ib.)

Besides, the government only occupied *a part* of the land, and no attempt has been made by the grantees to occupy the remainder.

This is the testimony of Warner on that point:

"7th question. Will you state how long the mission has been occupied by military force?

"Answer. Generally since the close of 1846 or the beginning of 1847, it has has been occupied by the United States forces.

"Question. Has it been so occupied by the United States forces to the exclusion of the grantees under the Mexican government?

"Answer. To the best of my knowledge it has been so occupied; they, I think, have been excluded."—(Ib., p. 16.)

On cross-examination:

"1st question. Have the forces of the United States occupied any part of the land or buildings of this mission except the mission buildings of the mission proper and immediate appurtenances, so as to exclude other persons from their occupation?

"Answer. They have occupied the mission buildings proper, gardens, and vineyard in the immediate vicinity, and I have understood that they have prevented, in all instances, persons from occupying any of the lands lying between the ocean and a place on the east of the mission building, known as Huayama, inclusive, distant nearly three miles from the mission. They have never, to my knowledge, occupied by military force either Pala or the rancho of the missions."—(Ib., p. 16.)

Possession is an essential part of the secondary evidence of title.—(Castro's case, 24 Howard's U. S. R., 346, 350.) As it is one of the strongest safeguards against fraudulent grants, its absence in any case furnishes *presumptive* evidence of fraud in most cases; but in a case like this, where there is no record evidence of the existence of the grant, the absence of possession becomes *conclusive* evidence of fraud.

3. But, above all, it is proved by *the nature and terms of the transaction itself.*

The theory of the grant, as expounded by Pio Pico in his testimony, is that the sale was made under *the pressure* of the *public necessities*—under an *extraordinary* power derived from the supreme government, in order to raise money to defend the country in the apprehended war with the United States.

*The mission, as a mission, had been abandoned since* 1843.

"There had not been any priest at *the mission San Luis Rey*, or at *Pala*, for some years before the said grant was made. I cannot recollect precisely how long, but *I think there had been no priest there since the year* 1843."—(*Pio Pico's testimony, Printed Record, p.* 4.)

There was, therefore, no reason why anything belonging to the mission or connected with it might not have been sold separately, or used for military purposes to meet the wants of the government.

The *consideration* alleged to have been received for the sale of the mission was the sum of $2,000 *in money*, and the further sum of $437 4 reals *in grain*, and an agreement on the part of the grantees "to satisfy, *in every description of produce, the debt* of the said mission of San Luis Rey, *in the term of four years.*"—(See Grant, ante, p. 4.)

What the debt of the mission was, we have no means of knowing. Whether it was *much* or *little*, we are equally ignorant. But this much we do know, that, judging from the ordinary action of men in like cases, if the debt had been *large it would have been proved.* It was a material and essential part of the claimant's case, and yet we have no evidence on the subject. Even the governor seemed not to know what it was, for if it had been known it would have been specified in the grant. That it could have been known is evident from the fact that the mission had been suspended for *three years*, affording creditors ample time in which to present their claims. No sum having been named in the grant, and no evidence having been offered by the claimant to show the amount of the debt, we may therefore fairly avail ourselves of the legal maxim, "*What does not appear, does not exist. Idem est non esse, et non apparere.*"

Besides, the privilege to pay the debt in the period of "four years," "in every description of produce," is also very remarkable. With possession of two ranches, and the gardens, orchards, and vineyards of the mission at their command, the grantees, unless the debt was considerable, ought to have been able to pay it, with their "produce," in that time.

But this is not all. By the inventory of the sale (Printed Record, pp. 39–42) we are furnished with a schedule of the articles of real and personal property included in the sale. By a reference to the testimony of Warner, a witness first examined by the claimant and afterwards by the United States, and therefore equally accredited by both, it will be seen that the value of the *personal property* alone, of which a valuation is given, amounted to $6,364 25 at the prices of such articles in California in August, 1846.—(Printed Record, pp. 17, 22.)

"3d question. Were you acquainted with the value of personal property in California in the year 1846; if yea, look at the document marked J. W., No. 3, [the inventory of sale,] annexed to the deposition of Pio Pico, and *state the price of each article therein stated as it was in August of the same year.* (The counsel for the claimants object to the foregoing question.)

"Answer. I have looked at the document above described, and find many articles therein embraced of which I have no idea of their value at that time; but in the annexed inventory will be found the value of all the articles therein embraced of which I had any knowledge of their value; the said inventory is marked D, being a copy."—(Ib., p. 17.)

(Here follows a list of the several articles and their prices, so far as given.)

"The sum total of value of the articles, to which I have proved a valuation, amount to six thousand three hundred and sixty-four dollars and twenty-five cents, ($6,364 25.)

"It will be observed that on the first page there are five lines embracing ten items, and in the second page, eighth line, one item; and the first, third, and fourth lines from the foot of the same page, and the items on the fourth page, *are left without any value being affixed thereto.* Some of the articles are unintelligible, while the value of others have never, since the original was mentioned *at thirty prices,* (a misprint?) been separated from the cost of the material of which they were made, and the quantity employed *in the type,* (a misprint?) The fourth page I do not understand as embraced in the question. Much latitude should be given to the value I have attached to *the movable household property enumerated;* but the value placed before each article, from my knowledge of property of the *classes* specified, as *well as from a personal knowledge* of *many of the very items expressed,* in [is?] such as I believe to be *an approximation to their actual cash value at that time.*"—(Ib., p. 22.)

The bulk of the personal property consisted of the self-moving property, that is, the cattle and live stock on the ranchos of San Juan and of Pala.

By reference to the printed Record, p. 21, translation, p. 41, it will be seen that the aggregate value of that property was $4,598 50:

| | | |
|---|---|---|
| 32 yokes of oxen, at $20 | $640 00 | |
| 105 head of cattle, at $9 | 945 00 | |
| | | $1,585 |
| 185 wild horses, at $4 | 740 00 | |
| 28 tame horses, at $12 | 336 00 | |
| 24 mules, at $20 | 480 00 | |
| | | 1,556 00 |
| 691 sheep, old and young, at $1 50 | 1,036 50 | |
| 88 goats, at 75 cents | 66 00 | |
| 71 donkeys, at $5 | 355 00 | |
| | | 1,457 50 |
| | | 4,598 50 |

Among the articles included in the inventory are "100 *fanegas of wheat,* a little more or less, on the rancho of Pala," valued at $200.—(Printed Record, p. 19; translation, p. 40.)

The account, then, as between the *whole* consideration received for this grant, and a *part* of the personal property alone, sold with the lands, stands thus: The government received, or is alleged to have received, for the grant, the sum of $2,437 50, including "*grain*" to the amount of $437 50, while it sold live stock and other personal property on the ranchos of San Juan and Pala, including "100 fanegas of wheat," worth $200, and personal property to the amount of $6,364 25; that is, the government gave $6,364 25 worth of property, at cash prices, for $2,437 50, and took part of the pay "*in grain*" to the amount of $437 50, when part of the very property sold was grain worth $200. It sells what it needs, and takes part of it back in payment for what it has sold. This is literally true in regard to the *wheat*. It is also true, *in effect*, in regard to the live stock enumerated. In the event of a war with the United States, the government needed all this live stock for military supplies, and yet we find the governor selling it for about *one-third its value*, in order to raise money to buy it back again, as it did the *wheat!*

But it may be said that Warner's valuation is *too high*.

Let us, then, go into a calculation of the value of a part of this property on the data furnished by Arguello and Foster, two of the claimants' own witnesses.

*Testimony of Arguello.*

"9th question. What would have been, according to your recollection, the *average value* of horses, mules, cattle and sheep, at San Luis Rey during the summer of 1846?

"Answer. Five dollars a head for cattle, ten dollars for horses, fifteen dollars for mules, and two dollars each for sheep. (To this question and answer Mr. Howard objects."—(Printed Rec., p. 10.)

| | |
|---|---|
| 105 head of cattle, at $5 a head | $525 00 |
| 213 horses, (185 wild and 28 tame,) at $10 | 2,130 00 |
| 24 mules, at $15 | 360 00 |
| 691 sheep, old and young, at $2 | 1,382 00 |
| | 4,397 00 |

The aggregate value of the same animals, according to estimate of Warner, is only $3,837 50.

Add the value the rest of the animals in the schedule not included in the above list, according to the estimate of Warner, viz:

| | | |
|---|---|---|
| 32 yokes of oxen, at $20 | $640 00 | |
| 88 goats, at 75 cents | 66 00 | |
| 71 donkeys, at $5 | 355 00 | |
| | | 1,061 00 |
| Arguello's valuation | | 5,458 00 |
| Warner's | | 4,598 50 |
| Excess | | 859 50 |

*Testimony of Foster.*

“What was the value of mules, horses, cows and sheep, at the time you assisted in taking possession of the mission San Luis Rey?

“Mules would average about thirty dollars; horses about twenty dollars; and horned cattle about twelve dollars; and sheep about two dollars and a half.”—(Printed Record, p. 12.)

| | |
|---|---|
| 24 mules, at $30 each | $720 00 |
| 213 horses, (185 wild and 28 tame,) at $20 | 4,260 00 |
| 105 head of horned cattle, at $12 | 1,260 00 |
| 691 sheep, old and young, at $2 50 | 1,727 50 |
| | 7,967 50 |

The aggregate value of the same animals, according to the estimate of Warner, is only $3,837 50.

| | |
|---|---|
| Add the aggregate value of the rest of the animals in the schedule not included in the above list, according to the estimate of Warner, as was done in the previous calculation, viz | 1,061 00 |
| Foster's valuation | 9,028 50 |
| Warner's valuation | 4,598 50 |
| Excess | 4,430 00 |

The result of these calculations, therefore, is, that Warner's estimate of this part of the personal property sold is $859 50 lower than Arguello's valuation of the same property, and $4,430 lower than Foster's.

When we add to the personal property thus sold, the mission of San Luis Rey and its buildings, the two ranches of San Juan and Pala, with their orchards and vineyards, and a domain embracing about 150,000 acres of land, in the valley lying on both sides of the San Luis Rey river, all sold for the trifling sum of $2,437 50, what are we to think of this transaction? He must be wilfully blind, indeed, who is not forced to the conclusion that the whole transaction was a gross fraud attempted to be perpetrated by the expiring governor of Cali fornia in favor of the grantees, both against his own country and th United States.

As a part of the contemporary history of this transaction, it not be improper to remind the court of the estimate in which grant, among others, was regarded at Los Angeles, in Septe 1847, before the cession of California to the United States. Stevenson, writing under that date to H. W. Halleck, secre state, in reply to certain queries propounded to him, says:

“Query 6. From the testimony of divers residents in this Ex-Governor Pio Pico left here June 18, 1846, and did not on or about July 21, 1846. References: Manuel Reyneua, A. Bell, and Ygnacio Valle.